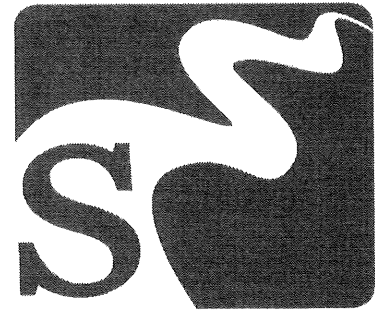


Calais



bridging culture, commerce and community

ORDINANCES OF THE CITY OF CALAIS

Updated April 3, 2023



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ANIMAL CONTROL ORDINANCE

4-141 Definition of Terms

As used in this ordinance, unless the context otherwise indicates,

- a) "Dog" shall be intended to mean both male and female.
- b) "Exotic Animal" shall be intended to mean, but not limited to snake, lizard, or spider
- c) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- d) "Keeper" shall be intended to mean a person in possession or control of the animal or other animal.
- e) "At large" shall be intended to mean off the premises of the owner, and not under the control of the owner, keeper, either by leash, or otherwise.
- f) "Animal" shall be intended to mean any living sentient creature that is not a human being.
- g) "Dangerous Dog" shall mean:
 - a. any dog, that, without provocation, or, upon being incited by. its owner or any other person in control of the dog, assaults an individual or domesticated animal, or public or private property; or
 - b. any dog that, by attacking or threatening to attack an individual or an individual's domesticated animal, causes a reasonably prudent person, acting in a reasonable and non-aggressive manner, to fear bodily harm.

4-142 Animal Control Officer

The City shall appoint one or more animal control officers in accordance with Title 7, M.R.S.A. Section 3947, as amended. Said animal control officers shall have all of the powers provided under this ordinance and the laws of the State of Maine.

In addition to the regular duties of animal control officers delineated by state law and this Ordinance, the animal control officer is hereby authorized to enforce the provisions of any other law regarding animals and found in Title 7, Maine Revised Statutes, Chapters 719 (Uncontrolled Dogs), 720 (Rabies Prevention), 721 (Dog Licenses), 723 (Licenses for Kennels, Boarding Kennels, and Pet Shops), 727 (Dangerous Dogs), 729 (Damage by Dogs), 730 (Ferrets), 731 (Mistreatment of Animals), 733 (Transportation of Animals), 737 (Calf and Pig Scrambles), 729 (Cruelty to Animals), 741 (Animal Trespass), Enforcement of these additional provisions shall be according to state law and procedure.

4-143 License and Registration Required

All dogs kept, harbored or maintained by their owners in the City of Calais shall be licensed and registered in accordance with the appropriate laws of the State of Maine.

4-144 Tag and Collar

All dogs shall be provided with a suitable collar to which the license tag shall be attached as required by appropriate State of Maine law.

4-145 Running at Large Prohibited

No owner or keeper of any dog shall permit such dog to run at large at any time. This section shall not be construed however, to prevent the use of dogs for lawful hunting purposes or for the use of dogs on a farm for any lawful purposes.

4-146 Public Nuisance & Dangerous Dogs

1. No owner or keeper of any dog or animal kept within the legal limits of the City of Calais shall allow such dog or animal to unnecessarily annoy or disturb any person by continued or repeated barking, howling or other loud or unusual noises anytime day or night.
2. No person shall allow any dog or animal owned by him/her or under his/her control to defecate upon a public street, road, sidewalk, park, or other public property within the City of Calais, or upon private property (except for that property owned by the owner or keeper of the dog) unless defecation is immediately bagged and removed and properly and adequately disposed of in a sanitary manner in a proper waste receptacle by said owner or keeper of the dog. This paragraph shall not apply to any dog trained for the purpose of aiding sight-impaired person and engaged in that function or to any person with a handicap who, by the reason of that handicap, is physically unable. This paragraph shall not apply to any dog trained to assist in law enforcement activities.
3. Dangerous Dog
 - a. It shall be a violation of this ordinance to own, keep, possess or harbor a dangerous dog;
 - b. The minimum financial penalty for a violation of this section is five hundred dollars (\$500.00) for the first offense, seven hundred and fifty dollars (\$750.00) for the second offense and one thousand dollars (\$1000.00) for the third offense. This penalty shall not be waived nor shall any portion of it be suspended by the court. These penalties shall be calculated and assessed on an owner regardless of whether the dangerous dog is the same dog in each violation.
 - c. In addition to the financial penalty imposed by the subsection (b), after hearing a court of competent jurisdiction shall order:

- i. That the dangerous dog be muzzled, restrained, confined to the premises of its owner in a secure enclosure or any other reasonable measure to be imposed to protect the safety, health and welfare of the City's inhabitants; or
 - ii. that the dog be euthanized if it has injured a person or domesticated animal or if it has a history of a prior assault.
The cost of seizure and euthanasia of the dog shall be assessed to the owner of the dangerous dog.
- d. Owner to pay restitution. Where the victim of a dangerous dog has incurred medical expenses, veterinary expenses or any other direct financial loss, the owner of said dangerous dog shall be ordered to pay restitution to the victim in accordance with the criteria set forth in 17 M.R.S.A. 1325.
- e. Dogs presenting immediate threat to public. After issuing a summons and before hearing, if the dog poses an immediate or continuing threat to the public, a sheriff, local law enforcement officer or animal control officer shall order the owner or keeper of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog confined at the owner's expense at a place determined by the sheriff, local law enforcement officer or animal control officer. If the owner or keeper fails to comply, the sheriff local law enforcement officer or animal control officer may apply to District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public and turn the dog over to the applicant or other suitable person.
- f. Ex parte. An order may be entered ex parte upon findings by a court or justice of the peace when:
 - i. The dog has inflicted a serious bodily injury as defined in title 17-A, section 2, subsection 23; or
 - ii. There is reasonable likelihood that the dog is dangerous or vicious and:
 - 1. Its owner has failed to muzzle, restrain or confine the dog; and
 - 2. That failure poses an immediate threat of harm to the public.
- g. Modify Order. An order may be modified by the court
 - i. Upon two (2) days' notice or a shorter period the court may prescribe, the owner whose animal has been possessed pursuant to an ex parte order may appear in the District Court or Superior Court and move the dissolution or modification of the ex parte order.
 - ii. The Court shall hear and determine the motion as expeditiously as possible.

- iii. The owner shall submit an affidavit setting forth specific facts to substantiate the modification or dissolution of the order. The applicant has the burden of presenting evidence to substantiate the original findings.
- h. Recovery of Cost/Liens. The owner of the dog shall be assessed any cost incurred by the City under this section. The City or any person taking possession of a dog as provided in this section has a lien on that dog in accordance with Title 17, Section 1021, subsection 6.
- i. Treble damages. If a dog whose owner or keeper refuses or neglects to comply with the order, wounds any person by a sudden assault or wounds or kills any domestic animal, the owner or keeper shall pay the person injured treble damages and cost to be recovered by a civil action.

4-147 No person shall publicly display an exotic animal.

4-148 Penalties

Any person who violates any provision of this Ordinance commits a civil violation. The penalty for this violation is a fine of not less than \$25.00 nor more than \$250.00, plus the costs and expenses of prosecution including but not limited to the City Solicitor's fees and expenses, and the salaries and wages of City personnel involved in the investigating, preparing, and prosecution such violation, medical cost incurred by the designated shelter. All such fines, fees, costs, and expenses shall be paid to the City of Calais. This section is in addition to those penalties set out in section 4-146.

Each day of violation shall constitute a separate offense, each subject to the penalty set forth herein.

4-149 Repealing Provision

All previous Animal or Dog Control Ordinances in conflict with this ordinance are hereby repealed.

4-150 Severability.

Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Adopted:

Amended: April 28, 2005

Amended: August 14, 2014

Repealed:

Ordinance Number Assigned: 1900-110
ANTI-LOITERING ORDINANCE

4-121 Purpose.

It shall be unlawful for any person to stand or sit on any street or sidewalk in such a manner as to obstruct the free passage of other persons using said street or sidewalk. It shall be further unlawful to sit or stand in front of any store or shop entrance or display window in such a manner as to obstruct the free passage of persons entering or leaving said store or shop or to block the view of said display windows.

No violation shall be deemed to have occurred with reference to this offense unless and until a city police officer shall have requested the persons involved to move on. Failure to such a request shall then constitute a violation.

4-122 Violations.

A person shall be deemed to have committed a violation of this ordinance if he loiters to prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon the appearance of a policeman, refuses to identify himself, or any object. Unless flight by the actor or other circumstances make it impracticable, a police officer shall, prior to any arrest for an offense under his section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor is true, and if believed by the peace officer at the time, would have dispelled the alarm.

4-123 Penalties

Violations of either of the two foregoing sections shall, upon conviction be punished by a fine of not less than Twenty Dollars (\$20.00) and not more than two hundred and fifty dollars (\$250.00) to be recovered for the use of the City of Calais.

4-124 Repealing Provision.

All previous anti-loitering ordinances in conflict with this ordinance are hereby repealed

4-125 Severability.

Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Adopted:

Amended: April 28, 2005

Repealed:

CITY PLANNING ORDINANCE

4-461

There is hereby created a City Planning Board for the City of Calais which shall consist of five members who shall be elected by the City Council. All members of said City Planning Board shall be residents of the City of Calais and shall not be salaried officials of such City and shall serve without compensation. The membership thereof may include one architect or draftsman.

4-462

The term of such elected member shall be five years or until his successor has been appointed and has qualified, except that the respective terms of the members first elected shall be one, two, three, four, and five years. Any vacancy shall be filled in the same manner for the unexpired term.

4-463

The Planning Board shall annually elect one of its members as Chairman.

4-464

Each officer and department of said city is hereby directed to give all reasonable aid, cooperation, and information to said City Planning Board, or to authorize assistants of said City Planning Board when so requested.

4-465

The City Manager shall have the authority to employ such experts and other assistants as may be necessary or convenient to carry out the provisions of this ordinance and to pay for their services, and to pay such other expenses as may be necessary and proper, not, however, exceeding in all such appropriation as may be made for such purposes by the City Council or placed at its disposal through gifts. The City Manager shall have the authority to place the supervision of the work by such employees as he may direct.

4-466

The City Planning Board shall have full power and authority to make such investigations, maps and reports, and recommendations in connection with, relating to the planning development of the municipality, as seem desirable to it, provided, however, that the total expenditures for such purposes shall not exceed the appropriation therefore together with such gifts as may be placed at the disposal of the City Council therefore.

4-467

It shall be the duty of the City Planning Board to make and adopt a master plan of the City and to perfect it from time to time. Such master plan shall show existing and desirable streets, highways, street grades, bridges and tunnels, viaducts, public places, parks, parkways, playgrounds, roadways in streets and parks, sites for public buildings and structures, use and building zones, waterways, routes or railroads

and busses, locations of sewers, water conduits and other public utilities and other planning features. Such master plan shall be established, added to, and changed from time to time by a majority vote of the entire membership of the City Planning Board. It shall be a public record but its purpose and effect shall be solely to aid the City Planning Board in the performance of its duties.

4-468

Whenever the City Planning Board shall have adopted a master plan or any part thereof, then and henceforth no street, park, or other public way, ground, place, or space, no public building or structure shall be construed or authorized in the City, and no change shall be made in the zoning map of the City of Calais until and unless the location and extent thereof and the suggested change of said zoning map shall be submitted to it. The failure of the City Planning Board to act, within thirty days from and after the date of the submission to it of such proposition as aforesaid, shall be deemed to be its approval of any such matter unless a longer period is granted by the Municipal Officers.

4-469

The City Planning Board herein created, shall after the effective date of this Ordinance, act as a Planning Board under the provisions of Section 84 to 87 inclusive, of Chapter 80 of the Revised Statutes of Maine, and amendments thereto, for the preparation of coordinated plans for the development of the City of Calais.

Adopted:

Amended:

Repealed:

CURFEW ORDINANCE

4-401 Regulations of Minors

No child who has not attained the age of 17 years shall be, or remain, upon the street, alley or lane or in any public place in the City of Calais in the nighttime after 10:15 PM unless accompanied by a parent or guardian, or other person having legal custody of such minor, or unless the employment of such minor makes it necessary to be on the street, alley or lane or in such public place after said time. For the purposes of this ordinance "public place" shall be construed to mean all places which the public has access, including, but not necessarily restricted to, the following places: restaurants, stores, dance halls, poolrooms, bowling alleys, theaters, and other places of public amusement, and all other places open to the public.

4-102 Liability of Others

Unless a reasonable necessity exists therefore, no parent, guardian or other person having the legal custody of any minor who has not attained the age of 17 years shall allow or permit such minor while in legal custody, to be, or remain upon, such street, alley or lane or in such public place after the time stated in Section 4-101 above. All times referred to in this ordinance shall be in accordance with the legal time standard then in affect in said City of Calais.

4-103 Enforcement Procedure

In any case where a police officer observes a minor apparently under the age of 17 upon any street, alley or lane or in any public place in the City of Calais in the nighttime in apparent violation of the provisions of this ordinance, the officer is authorized to detain the minor temporarily for the purposes of ascertaining where he or she lives and the name of the parent or guardian. Where reasonably convenient, the officer may convey the minor to his or her place of residence and there to notify the parent or guardian of the violation. Where not convenient, or where it is impossible to convey the minor to his or her home and leave minor there in custody of a parent or guardian, because no one is at home, or for any other reason, the minor may be taken to the Police Station to be detained there until a parent or guardian can come to the Police Station and take custody of the minor. Such minors shall not be confined in a cell or cellblock use for the confinement of adult offenders but may be detained in other rooms at the Police Station while reasonably effort is made to notify a parent or guardian. Such detention does not constitute an arrest and no photographing, fingerprinting or other booking procedures shall be performed involving the minor, other than the normal entries made in the

Juvenile Detention Report, which report shall be considered confidential and for official use only, in accordance with Maine law.

4-104 Penalty

Whoever violates any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), to be recovered for the use of the City of Calais.

Adopted:

Amended:

Repealed:

ECONOMIC ADVISORY COMMITTEE ORDINANCE

4-401

The Calais Economic Advisory Committee is hereby created for the purpose of providing a citizen advisory body to assist and advise the City Manager and the director of economic development if such officer and department should at any time be established.

4-402

The Committee shall consist of 5 members, each to be appointed by the City Council for a term of 2 years. The term shall overlap for the purposes of continuity and those who are appointed initially shall by lot determine the length of their terms in order to establish such continuity. Vacancies due to any cause shall be filled by appointment by the City Council for the unexpired terms.

4-403

The Committee shall meet at the call of its chairman and shall meet at least quarterly to review with the City Manager all economic development activities of the City. The City Manager is authorized and directed to share economic development information with the Committee and to accept its assistance in all such activities with the exception that certain projects may require confidentiality on the part of the City Manager in their initial stages.

4-404

The Committee shall annually choose a chairman and may select a secretary to maintain its minutes and records. The City Council shall be kept informed of economic development activities currently by the City Manager excepting those projects which must, in their initial stages, be kept confidential. The Committee shall report at least annually in writing to the City Council.

4-405

The Committee is authorized at its discretion and when requested by the City Manager, to form one or more local development corporations as authorized under Maine law where such action is necessary in connection with local economic development activities. Local funding shall not be pledged nor committed without prior approval of the City Council.

4-406

It is the policy of the City Council that this Committee provide a valuable and necessary citizen advisory function to aid the City Manager or other department head in the consideration of proposed new economic development projects with reference to their economic desirability, environmental impact and overall benefit to Calais.

4-407

Where the Committee and the City Manager deem it advisable and appropriate, additional citizen opinion may be sought by public hearing or otherwise.

4-408 to 4-419 Reserved

Adopted:

Amended:

Repealed:

JUNKYARD ORDINANCE

4-301

It shall be unlawful for any person, partnership, or corporation to establish any junkyard within the limits of the City of Calais without first obtaining a permit from the Municipal Officers of said City.

4-302

Application for said permit shall be filed in writing with the City Clerk who shall cause notice of the application to be printed in a local newspaper of general circulation at least one week prior to the date set for a hearing on said application by the Municipal Officer of said City. The cost of publication of said notice must be paid in advance by the applicant for said permit.

4-303

A public hearing on said application will be held by the City Council which may then or at a later date reject or approve the application subject to any reasonable restrictions, conditions, or limitations, and if approved, the City Council will then direct the City Clerk to issue said permit upon payment of a \$10.00 fee therefor by the applicant.

4-304

Permits issued under this ordinance shall expire on the last day of the calendar year during which they are issued.

4-305

Renewal of said permits shall be accomplished yearly after the same notice by publication and hearing as required for the establishment of such a junk yard in the first instance; provided however that the fee for renewal of said permits will be \$5.00 plus the cost of publishing the notice.

4-306

For the purposes of this ordinance, "junkyards" are defined as places where discarded materials, to wit: metals, old rope, old bags, wastepaper, rags, rubber, glass, bottles, and all articles are kept for storage and sale in the usual course of business by dealers in such commodities.

4-307

Any person found guilty of a violation of this ordinance shall be punished by a fine not to exceed \$100.00. Each day of operation and maintenance of such a junk yard in violation of this ordinance shall constitute a separate and distinct offense.

Adopted:

Amended:

Repealed:

OBSCENITY DISPLAY ORDINANCE

4-181 Prohibited Conduct

In any premises open to the general public, it shall be unlawful for any person to knowingly display, or knowingly permit or allow the display, for purposes of sale, any book, magazine, picture, photograph, drawing or similar visual representation or image of a person or portion of the human body, or which the outside covers or other portions exposed to public view are obscene or contain sexually explicit material, as either term is hereinafter defined. It is the express intent of this ordinance to make it unlawful to knowingly display such material in plain view of minors in such places.

4-182 Penalty

The penalty for violation of this ordinance shall be a fine of not less than \$50.00 and not more than \$100.00. Each day of violation shall constitute a separate offense, each subject to the penalty set forth herein.

4-183 Definitions

- (a) "Obscene" means that applying contemporary community standards:
- (1) The predominant appeal of the work taken as a whole is to the prurient interest; i.e., a shameful or morbid interest in sexual conduct, nudity, or excretion, and
 - (2) The work depicts or describes in a patently offensive manner sexual conduct defined by Section 4-183 (a), and
 - (3) The work, taken as a whole, lacks any serious literary, artistic, political or scientific value.
- (b) "Sexual Conduct" means patently offensive representations or descriptions of sexual intercourse, or acts of apparent sexual stimulation or gratification, such as, cunnilingus, anilines, sadism, masochism, fellatio, masturbation, bestiality, sodomy, excretory functions or lewd exhibition of genitalia.
- (c) "Work" means anything tangible which is capable of being used or adapted to arouse interest whether through the medium of reading, observation, hearing or in any other manner.
- (d) "Person" means any individual, partnership, firm, association, corporation, trustee, lessee, agent, assign or other legal entity.
- (e) "Display" means to exhibit as an inducement for individuals to view, peruse, or purchase. "Display" shall not include works and materials exhibited in an area conspicuously prohibited to minors which prohibition is enforced.
- (f) "Knowingly" means having actual or constructive knowledge of the content and character of the work. A person shall be deemed to have constructive knowledge of the content and character of a work if he has knowledge of facts which would put a reasonably prudent on notice as to the nature of the work.

(g) 'Patently Offensive' as used in this ordinance means that which goes beyond the customary limits of candor applying contemporary community standards.

(h) "Minor" means any person under the age of 18 years.

(i) "Sexually Explicit Material" means any pictorial material depicting human sexual intercourse, human or animal masturbation, bestiality, oral intercourse, anal intercourse, human-animal intercourse, excretory functions, homosexual acts, direct physical stimulation or touching of unclothed genitals or pubic areas of the human male or female, flagellation or torture by or upon a person in the context of a sexual relationship or sexual stimulation. The material shall be judged without regard to any covering which may be affixed or printed over the material in order to obscure genital areas in a depiction otherwise falling within the definition of these Subsections. Works of art or of anthropological significance are not included within the definition of this Subsection.

4-184 Concealment from Streets and Sidewalks

Obscene works and explicit sexual material shall not be displayed so as to be visible from any street, way or sidewalk whether within or without a building.

4-185 Concealment of Covers

Obscene works and explicit sexual material displayed within any building to which the public, including minors, are admitted shall be concealed or covered by a wrapper or jacket where the covers of said works or material contain photos, drawings, depictions and/or words the display of which is prohibited by this ordinance.

4-186 Concealment of News Racks

Persons displaying obscene works and sexually explicit materials within a building to which minors are admitted shall be considered to be in compliance with this ordinance where the materials are stored in racks which conceal the covers of such works and material except for the title strip at the top.

4-187 Display in Areas Barred to Minors

Where such works and materials are openly displayed in a room or other enclosure from which minors are barred, said works and materials shall not be visible in any other portion of the premises to which minors are admitted.

Adopted:

Amended:

Repealed:

RECREATION DEPARTMENT ORDINANCE

4-501 Name

The Calais Parks and Recreation Department is hereby created as a department of the municipal government under the provisions of the Calais City Charter Sections 1-211 and 1-401.

4-502 Purpose

The Calais Parks and Recreation Department shall be responsible for providing, conducting and supervising recreational and cultural programs for the citizens of Calais and shall further manage, supervise and control all recreational and cultural facilities which may be placed in its custody by the Calais City Council. It is further authorized to enter into joint use of such facilities and properties with the Calais School Department and it may utilize such privately owned facilities and property as may be made available to it, provided however that the City shall not be obligated thereby without the prior consent of the Calais City Council.

4-503 Supervision

The Calais Parks and Recreation Department shall be supervised and administered by a Director, who shall be appointed by the City Manager, subject to Council confirmation, under the provisions of the Calais City Charter Section 1-206. The Director shall be responsible to the City Manager under the provisions of Section 1-401 (b) of the Charter.

4-504 Advisory Council

There is hereby created a Recreation Advisory Commission to aid and assist the Director in the formulation of policies, rules and procedures and in the general operation of the department. It shall consist of five (5) persons who shall be residents of the City of Calais and who shall be appointed by the City Council for three (3) year terms on a staggered basis to provide continuity of service. Vacancies for any reason shall be filled by the City Council for the expired term in each case. Death, resignation, removal from the City and unexcused failure to attend meetings for more than three (3) consecutive regular meetings shall be sufficient to create a vacancy. The Commission shall choose a chairman and a secretary annually and records shall be kept of all its meetings, one copy to be filed with the City Clerk promptly after each meeting. It shall meet at least once quarterly. The members shall serve without compensation. In the absence of the Director or in a case of a vacancy in the position, members of the Commission may on a voluntary basis and, subject to the approval and supervision of the City Manager, perform such necessary duties within the department in order to continue its operation to the maximum extent possible and practical.

4-505 Procedure

The Recreation Advisory Commission may make recommendations to the City Council in all recreational and cultural matters. A member of the City Council may be designated to attend and participate in its meetings for purposes of liaison and cooperation.

4-506 Funding

City funding is entirely at the discretion of the Calais City Council as a matter of law. The City Council may, however, authorize the Calais Recreation Department to raise funds from private sources and to accept grants and funds from other governmental agencies. Such funds when received, shall be deposited with the City Treasurer, and expended for recreational and cultural purposes in accordance with any restrictions and conditions imposed by the donor or source, following normal City accounting practices. Such funds shall be invested, where reasonable and practicable, and all interest accrued shall be devoted to the purposes and programs of the department. Funds derived as a result of major fund-raising projects shall be segregated and maintained for the duration of the fund drive and until they are expended for the objectives of the fund raising. Restricted and conditional grants and gifts are subject to prior City Council acceptance by law.

4-507 Repeal of Prior Ordinance

The Ordinance creating the Calais Recreation Commission adopted by the City Council on January 13, 1972 is hereby repealed completely. 4-508 to 4-519 Reserved

Adopted:

Amended:

Repealed:

REFUSE COLLECTION ORDINANCE

4-341 Preamble

The City Council finds that the regulation of commercially operated refuse collection services is necessary to the public health and safety of the City.

4-342 Definitions

- (a) Commercial Refuse Collector: An individual, partnership, firm or corporation removing and transporting any forms of solid waste from any residential, commercial, or industrial facility or property within the City for a valuation consideration.
- (b) Refuse: As used in this Ordinance, refuse includes all forms of solid waste, including, but not limited to, garbage, rubbish, and ashes. It does not include human or animal waste materials.
- (c) Solid Waste: Garbage, consisting of: wastes from the preparation, cooking and consumption of food; market refuse, waste from the handling, storage and sale of produce; rubbish consisting of: combustible rubbish, such as paper, cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible rubbish such as metals, tin cans, metal furniture, dirt, glass crockery, and other mineral refuse; ashes, consisting of residue from fire used for cooking, and for heating buildings; street refuse, consisting of street sweeping, dirt, leaves, catch basin dirt and contents of litter receptacles; dead animals, small and large; abandoned automobiles; industrial refuse, consisting of: solid wastes resulting from industrial processes and manufacturing, such as: food processing wastes, boiler-house cinders, lumber scraps and shavings, and metal scraps and shavings.

4-343 License Requirement

It shall be unlawful for any person, partnership, firm or corporation to engage in commercial refuse collection without first obtaining a license from the City.

4-344 License Application Procedure

- (a) The license year shall run from January 1st each year.
- (b) The City Clerk shall be the licensing agent for the City.
- (c) The application shall include full identification of the applicant, year and model of all vehicles to be used, gross weight of truck and chassis, type of collection container and method of collection together with such other relevant information as the City may require.
- (d) The annual license fee shall be \$100.00 plus \$0.0025 times the total gross weight of all collection vehicles. If the gross weight total exceeds 30,000 pounds, the fee shall be \$100.00 plus \$0.0010 times the total gross weight of all collection vehicles.
- (e) Licenses shall be transferable only with the approval of the licensing agent.

4-345 Collection Vehicles

- (a) Collection vehicles shall be completely enclosed to prevent the escape or loss of waste material from the vehicle.
- (b) Collection vehicles used to transport enclosed refuse collection containers need not to be further enclosed themselves.

4-346 Use of Municipal Landfill Areas

Commercial refuse collectors shall comply fully with all regulations governing the use of any municipal landfill area. Failure to comply with such regulations, shall be sufficient grounds for suspension or revocation of license.

No Commercial Refuse Collector shall deposit any refuse or solid waste in any Calais sanitary landfill from any other place outside the City of Calais without the prior approval of the Calais City Council as evidenced by a written certificate duly attested by the Calais City Clerk and indicating the area, towns, plantations or unorganized towns from which such refuse or solid waste may originate and be deposited in Calais. Any violation shall be sufficient cause for revocation of the license of the Commercial Refuse Collector involved.

Upon request of the City Manager at any time any Commercial Refuse Collector licensed in Calais shall promptly furnish to the City Manager his, her, or its collection schedules in writing, disclosing all collection activities outside Calais. Such information shall be considered confidential and not disclosed to other Collectors nor to the public at large but may be used as evidence in any involving deposit of refuse or solid waste in any Calais sanitary landfill area.

4-347 Regulations

The City Clerk is authorized to promulgate regulations, subject to the prior approval of the City Council, to aid in the enforcement of this Ordinance.

4-348 Supervision and Enforcement

The City Police Department shall be responsible for the enforcement of this Ordinance. The Public Works Department shall aid in the supervision of commercial refuse collectors using municipal landfill areas.

4-349 Appeal Procedure

Any applicant or licensee aggrieved by a decision, interpretation, or other act of the City Clerk, may appeal to the City Council.

4-350 Suspension or Revocation of License

A commercial refuse collection license may be suspended or revoked for violation of any provision of this Ordinance by the City Clerk. Suspensions shall be for a definite period and shall be stayed during the pendency of any appeal. The penalty of revocation shall be used only for substantial and intentional violations or in the case of second offenses.

4-351 Penalty

Conviction of a violation under Section 4-343, shall be punishable by a fine of not more One Hundred Dollars (\$100.00) to be recovered for the use of the City. Each day of operation shall constitute a separate violation.

4-352 to 4-359 Reserved

Adopted:
Amended:
Repealed:

ORDINANCE TO REGULATE PUBLIC SOLID WASTE DISPOSAL AREAS

4-321

The City Council shall designate certain areas as solid waste disposal areas where rubbish may lawfully be deposited.

4-322

The use of any public solid waste disposal area located in the City of Calais, shall be restricted to the dumping of rubbish by persons having their residence in said City of Calais. The City Council may, however, enter into inter-local agreements with other communities for solid waste disposal which would permit residents of those communities to utilize the solid waste disposal area.

4-323

The hours of operation of opening and closing the solid waste disposal area will be the responsibility of the City Council of the City of Calais. They are further authorized to regulate, and control said waste disposal areas in a manner deemed to be in the best interest of the citizens of Calais.

4-324

The term rubbish is defined to mean all waste material commonly known by that terminology, excluding bodies of animals or fish, excreta of animals or birds, or any object of that nature. Any material of a questionable nature will be dumped at the solid waste disposal area only after prior authorization of the Public Works Director.

4-325

The City Council has the authority to require all vehicles disposing of rubbish at the solid waste disposal area to display a '*Solid Waste Disposal Permit*' on the front windshield or driver's window of each vehicle. The Council will regulate the distribution of permit and distribute the permit to each resident for each vehicle owned by said resident.

4-326

Signs, posters, or any other public property used in the control of the solid waste disposal area shall not be defaced or destroyed in any manner.

4-327

An attendant shall be employed at the Solid Waste Disposal Area. Said attendant will designate personally or by sign those areas where rubbish shall be dumped. The attendant shall designate separate areas for the disposal of white metals, auto bodies, trees, tires, and any other object specified by the City Council. Dumping any rubbish in location other than those designated will be a violation of this ordinance.

4-328

No person, firm or corporation, or their agent having the right to use the solid waste disposal area as in this ordinance provided, shall be permitted to enter upon or use said area for dumping except during the hours which the facility is open. The Council may, where it deems necessary, permit access to the disposal area when the facility is closed for those people, firms or corporations, and their agents involved in health care facilities, restaurants, etc., where an accumulation of rubbish would result in a health hazard.

4-329

No person firm, corporation, or their agents, shall, except by written permission of the Calais City Council, remove any article or object which has been deposited or dumped and left at the disposal area.

4-330

Attendants at solid waste disposal areas shall be constables having the power to enforce this ordinance.

4-331

Any person, firm or corporation found guilty of violating this ordinance shall be subject to a fine of not more than \$100.00 for each offense, to be reserved for the use of the City of Calais.

Adopted:

Amended:

Repealed:

Ordinance Number Assigned: 1900-230

SNOW REMOVAL ORDINANCE

2—901 Definitions

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

- (a) "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (b) "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- (c) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (d) "Business day" is any day not a Sunday or a national holiday.
- (e) "Business hours" are the hours between 9:00 a.m. and 5:00 p.m. on any business day .
- (f) The "Director" is the Director of Public Works, or, in his absence, his duly designated and acting representative.

2—902 Snow and Ice to be Removed from Sidewalks

- (a) Every person, partnership, corporation, joint-stock company, or syndicate in charge or control of any building or lot of land within the city fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from so much of said sidewalk as is in front of or abuts on said building or lot of land .
- (b) Except as provided in subsection (c) hereof, snow and ice shall be removed from sidewalks in all business districts within the city by three (3) business hours after the cessation of any fall of snow, sleet, or freezing rain or by the next business day following such fall, whichever period is shorter.
- (c) In the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal shall, within the time mentioned in subsection (a) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleaned.
- (d) In the event any materials are utilized to melt accumulated snow and ice, it shall consist of a mixture of no greater than 50% salt or salt substitute, together with an equal or greater amount of gravel. The Director shall have the power, upon application, to alter this provision as may be required in his best judgment.

2—903 Depositing of Snow and Ice Prohibited

No person, partnership, corporation, joint-stock company, or syndicate shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk or roadway, except that snow and ice may be windrowed on public roadways incident to the cleaning of sidewalks in business districts.

2—904 Applicability

This ordinance shall be applicable to the following portions of the City of Calais:

- (a) Main Street – from the Port of Entry to the intersection of Calais Avenue, both sides.
- (b) North Street—from the intersection of Union Street to the intersection of Washington Street, both sides.

2—905 Violations

In the event of the failure of any person, partnership, corporation, joint—stock company, or syndicate to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as hereinbefore provided, or cause this to be done, the Director shall, as soon as practicable after such failure, cause such work to be done.

2—906 Penalties

Any person, partnership, corporation, joint-stock company, or syndicate who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) . Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

2—907 Enforcement

It shall be the duty of the Chief of Police to see that the provisions of this ordinance are complied with and he may, after expiration of the time limits stated herein, arrange for the removal of said snow and ice at the expense of the owner or occupants thereof .

2—908 Separability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

4—744 Snow Removal

No vehicle, boat, camper or trailer shall be parked at any time on any public street or city owned parking lot so as to interfere with or hinder the removal of snow from said street or parking lot by the City plowing or loading and hauling. The Chief of Police may cause any vehicle to be removed from the street or parking lot and placed in a suitable parking space off the street or parking lot, at the expense of the owner of such vehicle, and without the City being liable for any damages that may be caused by such removal. For the purpose of facilitating the removal of snow, the Public Works Director or Chief of Police may cause to be placed properly marked signs along any street or parking lot as he shall from time to time deem necessary. It shall be unlawful for the operator of any vehicle to enter upon, stop or park within the spaces indicated by such signs.

Adopted:

Amended: 1/14/2021

Ordinance Number Assigned: 1900-240
TAXICAB ORDINANCE

4-201

The following words and phrases when used in this ordinance have the meaning as set out herein:

- a) Certificates means a certificate of public convenience and necessity issued by the Calais City Council authorizing the holder (licensee) thereof to conduct a taxicab business in the City of Calais.
- b) Cruising mean the driving of a taxicab on the streets, alleys or public places of the City of Calais in search of, or soliciting prospective passengers for hire.
- c) Driver's permit means the permission granted by the City of Calais to a person to drive a taxicab upon the streets of the City of Calais.
- d) Holder or Licensee means a person to whom a certificate of public convenience and necessity has been issued.
- e) Person includes an individual, a corporation, or other legal entity, a partnership, and any unincorporated association.
- f) Rate Card means a card displayed in each taxicab which contains the rates of fare then in force.
- g) Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than eight (8) persons and not operated on a fixed route.

4-202 Certificate of Public Convenience Necessity Required

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Calais without having first obtained a certificate of public convenience and necessity in accordance with the provisions of this ordinance.

4-203 Application for Certificate

An application for a certificate shall be filed with the City Clerk upon forms provided by the City of Calais, and said application shall be verified under oath and shall furnish the following information:

- a) The name and address of the applicant.
- b) The financial status of the applicant, including principal real and personal property owned and the amount and nature of any unpaid judgments.
- c) Past experience of applicant in the transportation of passengers.
- d) Number and description of vehicles, including passenger capacity, to be operated or controlled by applicants and the location of proposed depots and terminals to be used, if any.
- e) Insignia, trade name, markings and markings signs or lights to be used in designating vehicles.

- f) Any facts which the applicant believes supports his claim that the public convenience and necessity require the granting of a certificate.
- g) Such further information as the Calais City Council may require.

Upon the filing of the application, the City Clerk shall fix a time and a place for the public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been therefore issued. Such notices may file with the City Clerk in each case. Due notice of such hearing on the public bulletin board in the City Hall and by causing a copy of said notice to be published at least one circulation in the City of Calais. Any interested person may file with the City Clerk a memorandum in support or opposition of the issuance of a certificate.

4-205 Issuance of Certificate

If the Calais City Council, after public hearing thereon, finds that further taxicab service in the City of Calais is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this ordinance and any regulations issued pursuant thereto, then the City Clerk shall issue a certificate, stating the name of the applicant, his address, the number of the vehicle authorized under the certificate and the date of issuance. Otherwise the application shall be denied.

In making the above findings, the Calais City Council shall take into consideration the number of taxicabs already in operation, the population of the City, whether or not existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience, and responsibility of the applicants.

The Calais City Council may from time to time fix the number of taxicab licenses and/or the total number of taxicabs in said City, having regard for the factors mentioned above and any significant change thereof. Such limitations shall be stated in Section 4-231 (a).

4-206 Indemnity Bond or Liability Insurance

No certificate of public convenience and necessity shall issue to any applicant until he furnishes proof that he has complied with the laws of the State of Maine relative to proper coverage for public liability and property damage, which said coverage must be maintained continuously while the applicant is operating or controlling taxicabs in the City of Calais.

4-207 Transfer of Certificates

No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred without consent of the Calais City Council.

4-209 Suspension and Revocation of Certificates

A certificate issued the provisions of this ordinance may be revoked or suspended by the Calais City Council if the holder hereof has

- a) violated any of the provisions of this ordinance,
- b) discontinued operation for more than 90 days,
- c) violated any ordinances of the City of Calais, or the laws of the State of Maine or the United States of America, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation, or
- d) receives a suspension or revocation of his driving and/or vehicle registration privileges under the laws of the State of Main

4-210 Taxicab Driver's Permit

No person shall operate a taxicab for hire over the streets of the City of Calais, and no person who owns or controls a taxicab shall permit it to be driven and no taxicabs licensed by the City of Calais shall be driven at any time for hire, unless the driver of said taxicab shall have first obtained a taxicab driver's license issued under the provisions of this ordinance.

4-211 Application for Driver's Permit

An application for a taxicab driver's permit shall be filed with the City Clerk on forms provided by the City of Calais; and such application shall be verified under oath and shall contain the following information:

- a) full and correct name of the applicant and his address.
- b) date and place of birth
- c) experience of applicant in driving and in the transportation of passengers.
- d) education background.
- e) history of past employment.
- f) dates of any license suspensions or revocations together with the reasons thereof.
- g) statement of any criminal convictions, giving dates, courts nature of offense, sentence and final disposition of the case.
- h) names and addresses of at least four residents of the City of Calais who have known the applicant for a minimum of 5 years and who will vouch for the sobriety, honesty and good character of the applicant.

Filing fees of five dollars (\$5.00) shall be paid to the City Clerk when the application is filed.

4-212 Qualifications

The applicant must display to the City Clerk a valid driver's licensed issued by the State of Maine and furnish any further information which may be required by the City Clerk relative to his application and the information disclosed thereon or to his qualifications for a driver's permit issued hereunder. No taxicab driver's permit shall be issued to any person under the age of 18 years.

4-213 Police Investigation

All applications for taxicab driver's permits shall be submitted to the Chief of Police for his approval prior to issuance and the Chief of Police may conduct such investigation as he deems appropriate to determine the fitness of the applicant for said permit.

4-214 Consideration of Application

The City Clerk shall upon consideration of the application and any reports from the Chief of Police, approve or reject the application. If the application is rejected, the applicant may request a hearing before the Calais City Council to offer evidence why his application should be reconsidered. Such hearing shall be public unless the applicant shall otherwise request.

4-215 Issuance of Permit-Duration

Upon approval of an application for a taxicab driver's permit, the City Clerk shall issue a permit to the applicant which shall bear his name, address, color, age, signature and such other data as the City Clerk may require of the calendar year. A permit for every calendar year thereafter shall issue upon the payment of twenty-five dollars (\$25.00) per taxi cab unless permit for the preceding year has been revoked or is then under suspension.

4-216 Suspension or Revocation of Permits

The Chief of Police is hereby given authority to suspend any taxicab driver's permit issued under this ordinance for a driver's failure or refusing to comply with the provisions of this ordinance, such suspension to last for a period of not more than 15 days. The Calais City Council shall have the power to suspend a permit or revoke the same for a failure to comply with any provision of this ordinance, State or Federal laws by the driver. In the event of any suspension by the Chief of Police, the driver may request a hearing before the Calais City Council and there present evidence in his behalf. In all cases of suspension or revocation by the Calais City Council the driver shall receive notice and be given an opportunity be heard.

4-217 Vehicles-Equipment and Maintenance

- a) All vehicles used under the provisions of this ordinances must be properly registered and inspected and in full compliance with the laws of the State of Maine relating to vehicles in general and to motor vehicles for hire.
- b) All vehicles used under the provisions of this ordinance shall be kept in a clean and sanitary condition at all times when in use. Said vehicles shall further be maintained in a safe mechanical condition at all times when use.
- c) All such vehicles are subject to reasonable inspection by the Calais City Police Department for compliance with the term of this ordinance and the drivers, owners or license holder controlling said vehicles shall make the same available for such inspection reasonable time and places. Such inspections shall be made at least once each calendar quarter and upon discovery of any unsafe mechanical condition has been corrected, the taxicab shall not be used for the conveyance of

passengers. A reasonable time shall be allowed for the correction of other conditions not affecting the safety of operation of the taxicab.

4-218 Designation of Taxicabs

Each taxicab shall be plainly marked and identified by signs, not otherwise in violation of any State law, as taxicabs. Owners or operators may further mark said vehicles with identifying names and/or devices so long as the same are not misleading nor in conflict with a name or device already in use by another license holder.

4-219 Rate Card

Unless the Calais City Council shall otherwise order, the display of a rate card shall be optional.

4-220 Display of Licenses and Permits

Each taxicab operated under the provisions of this ordinance in the City of Calais shall display in it in a position visible to the passengers therein a card bearing the name and address of the license holder operating said taxicab. There shall further be displayed a card bearing the name and address of the driver then operating said taxicab. Said cards shall be clean and legible unless the City of Calais provides them. Taxicab drivers shall have on their persons at all times while operating a taxicab, their taxicab driver's permit together with their State of Maine driver's license.

4-221 Solicitation, Acceptance and Discharge of Passengers

- a) Solicitation of Passengers by Driver: No driver shall solicit passengers for a taxicab except when sitting in the taxicab. Drivers shall not solicit passengers in a loud or annoying tone of voice or by sign or in any manner annoying any person or obstruct the movement of any person, or follow any person for the purposes of soliciting patronage.
- b) Receipts and Discharge of Passengers on Sidewalk Only: Drivers of taxicabs shall not receive or discharge passengers in the traveled portion of the roadway, but shall pull up to the right-hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either sidewalk or side of the road in the absence of sidewalks.
- c) Cruising: No driver shall cruise in search of passengers except in such area and at such times as shall be designated by the Calais City Council. Such areas and times shall only be designated when the Calais City Council finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles. Any orders relating to cruising by taxicabs shall be set forth in Section 4-231 (b) of the ordinance. Nothing in this ordinance however shall be construed to prevent a driver from picking up a passenger who signals him for that purpose in any place, provided that the driver shall not obstruct traffic nor create any hazard by stopping for that purpose.

- d) Additional Passengers: No driver shall permit other persons to occupy or ride in said taxicab, unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers.
- e) Restrictions on Number of Passengers: No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab. A child in arms shall not be counted as a passenger.
- f) Refusal to Carry Orderly Passengers Prohibited: No driver shall refuse or neglect to carry any orderly person or persons, upon request, unless previously engaged or unable or forbidden to do so by the provisions of this ordinance.
- g) Prohibitions of Drivers: It shall be a violation of this ordinance for any driver of a taxicab to sell intoxicating liquors or to solicit business for any house of ill repute or prostitute or use his vehicle for any purpose other than the transporting of passengers.

4-222 Open Stands—Establishment—Use—Deleted

4-223 Call Box Stands—Established—Use—Deleted

4-225 Taxicab Service

All persons engaged in the taxicab business in the City of Calais operated under provisions of this ordinance shall render an overall service to the public desiring to use taxicabs. They shall provide full service within the hours which they advertise as being their normal operating period. They shall not refuse calls anywhere within the limits of the City of Calais, so long as that place is reasonable and safely accessible by motor vehicle and if it is impossible for the call to be answered within a reasonable time, they shall then notify the prospective passenger how long it will be before the call can be answered and give the reason therefore. Any failure to give reasonable service or to answer a call within the City of Calais without sufficient cause or failing or refusing to give overall service, shall be deemed a violation of this ordinance and his certificate may be revoked after notice and hearing by the Calais City Council.

4-225 Police Department—Duty to Enforce Ordinance

The Police Department of the City of Calais is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this ordinance. Upon discovering a violation of the provisions of this ordinance, the Police Department shall report the same to the City Manager for referral to the Calais City Council or such action as appropriate under the terms of this ordinance.

4-227 Penalty

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding two hundred and fifty dollars (\$250.00), which said fine shall be recovered for the use of the City of Calais. Such fine shall be in addition to any suspension or revisions of this ordinance. Where the violation involves the operation of a taxicab without holding certificate of the driving of a taxicab without holding a driver's permit, each day's operation of driving shall constitute a separate violation.

4-228 Severability

Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected but shall remain in full force and effect.

4-229 Repealing Provision

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

4-230 Limitation of License Holders and Cabs

Having regard for the public need, the population and its distribution, local traffic conditions and the average number of taxicab operators previously in business in the City of Calais, the Calais City Council finds that a maximum of six (6) taxicab license holders is sufficient to serve the City of Calais adequately so long as the population remains below 5000 persons according to the latest U.S. Census figures. No limitation is imposed on the number of cabs each license holder may operate.

4-231 to 4-239 Reserved

Adopted:

Amended: April 28, 2005

Repealed:

Ordinance Number Assigned: 1900-250
TRASH AND GARBAGE CONTAINER ORDINANCE

4-371 Purpose

The use of paper bags, cardboard cartons, and plastic bags for the temporary disposal of garbage and trash out of doors creates a health hazard, in that dogs, rodents, and other animals are thereby attracted. Such containers are then ripped open, the contents scattered and blown about, creating dangerous and unsanitary conditions.

4-372 Prohibited Practice

Paper bags, cardboard cartons, and plastic bags shall not be used for the out-of-door storage and temporary disposal of trash and garbage, unless the same are placed inside metal or solid plastic containers, with covers, reasonably sufficient to protect the contents from dogs, rodents, and other animals. This shall also apply to all trash and garbage placed at curbside for pick-up.

4-373 Penalty

Upon conviction, a violation of this ordinance shall result in the imposition of a fine of not in excess of Twenty-five Dollars (\$25.00) for the first offense. Upon conviction of a second to subsequent offense, a fine of not more than Fifty Dollars (\$50.00) shall be imposed. All such fines shall be recovered for the use and benefit of the City of Calais. The Calais Police Department is further authorized to issue written warnings in the case of initial complaints and allow a reasonable time for compliance.

Adopted:
Amended:
Repealed:

SIDEWALK MERCHANDISE DISPLAY ORDINANCE

4—271

It shall be unlawful to display any goods, wares, or merchandise upon the sidewalks or streets of the City of Calais except in conformity with the terms of this ordinance.

4-272

Any person or firm desiring to display goods, wares or merchandise on the sidewalk immediately abutting upon premises owned or leased by the applicant shall first apply for a permit to do so from the City of Calais.

4—273

No such permit shall be issued until the Chief of Police acting under the supervision of the City Manager shall determine that goods, wares or merchandise may safely be displayed on a portion of the sidewalk abutting the premises of the applicant and not to exceed two feet in width along the inner edge of said sidewalk.

4-274

Any applicant for such a permit shall file with the City Clerk an application in proper form to be prescribed by the City Clerk together with an indemnity bond sufficient to protect and hold harmless the City of Calais from any and all damages resulting from any claim or suit for personal injuries which may be occasioned by such sidewalk display of goods, wares, and merchandise by the applicant and to reimburse the City of Calais for any expenses incurred in defending such suits, whether they are successful or not, the form of said Bond to be prescribed by the City Clerk. The applicant may substitute in lieu of the indemnity bond aforementioned, file with the City proof of liability insurance in which the City of Calais has been named as an additional insured, said insurance meeting approval by the City as to all policy conditions, terms, and extent of coverage.

4-275

The City shall have the right to inspect any display permitted under this ordinance and order the immediate correction or removal of any unsafe display which constitutes a hazard to the public using the sidewalk. Failure to comply with such an order shall be cause for revocation or suspension of the permit of the displayer .

4-276

The fee for said permit shall be Five Dollars (\$5.00) payable in advance and all permits shall run on a calendar year basis from January 1st of each year .

4—277

Any person or firm violating this ordinance shall, upon conviction, forfeit not less than \$10.00 nor more than \$25.00 to be recovered for the use of the City of Calais. Each day of violation shall constitute a separate offense for purposes of this ordinance.

4-278

The City Manager shall the power to suspend or revoke any permit issued hereunder in accordance with Section 4—275 above. In the event of a suspension or revocation, the party may appeal to the City Council in writing within 10 days after notice of said suspension or revocation. The suspension or revocation shall be in full effect nevertheless while the appeal is pending. The City Council may thereafter affirm or annul said suspension or revocation in whole or in part as it may see fit.

Adopted:

Amended:

Repealed:

Ordinance Number Assigned: 1900-400
TRAFFIC CONTROL ORDINANCE

4-700 Definitions

4-701 Words and Phrases Defined

The following words and phrases when used in this ordinance shall have the meanings respectively ascribed to them in this article. Whenever any words and phrases used herein are not defined herein but are defined in the laws of Maine regulations the operation of vehicles, any such definition shall apply.

- 1) **Alley:** A narrow way between buildings or giving access to the rear of buildings.
- 2) **Authorized Emergency Vehicle:** Vehicles of the fire department, police vehicles, public traffic emergency repair vehicles, ambulances and such emergency vehicles of municipal departments or public service corporations as are designed or authorized by the Police Chief. A privately owned or used by a fireman or policeman shall have the same status under this ordinance as a publicly-owned authorized emergency vehicle while actually engaged in or responding to a call for public emergency service.
- 3) **Business District:** Main Street, from International Bridge to Calais Avenue, together with such streets running north and south off Main Street that have business establishments thereon and only to the limit of there establishments.
- 4) **Cross Walk:** That part of a roadway at an intersection included witting the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs from the edges of the traversable roadway and any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- 5) **Curb:** The outer edges of a defined sidewalk, or either edge of the usually traveled part of the street.
- 6) **Driver:** Every person who drives or is in actual physical control of a vehicle.
- 7) **Holidays: (Public)** Public holidays, as used in the ordinance, are those provided by **Section 155** of Chapter 59 of the Revised Statutes Of Maine (1954) as blank holidays.
- 8) **Individual Parking Space:** A portion of the paved surface of the street, of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked as shall be specified and marked off under the supervision and direction of the City Manager.
- 9) **Intersection:** The area embraced within the prolongation or connection of the lateral curb line, or, if none, the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within vehicles traveling upon different highways joining at any other angles may come in conflict.
- 10) **Motor Vehicles:** Every vehicle, which is self-propelled, including motorcycles.
- 11) **Park:** When prohibited means the stand of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- 12) **Parking Meter:** A device which shall indicate thereon the length of time during which a vehicle may be parked in a particular place, which shall have as a part thereof a receptacle of a chamber for receiving and storing coins of United States money or Canadian money, and a slot or place in which said coin may be deposited; a timing mechanism to indicate the passage of the interval of time during which parking is permissible and which shall have elapsed; also brief instructions as to its operation.
- 13) **Person:** Every natural person, firm, co-partnership, association or corporation.
- 14) **Private Road or Driveway:** Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- 15) **Residence District:** That portion of the City not defined as a business district hereunder.
- 16) **Right of Way:** The privilege of to immediate use of the roadway.

- 17) Roadway: That portion of the street or highway improved, designed or ordinarily used for vehicular travel.
- 18) Sidewalk: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- 19) Stop: When required means complete cessation of movement.
- 20) Stop, Stopping or Standing: When prohibited means any stopping or standing of a vehicle whether occupied or not, except the necessary to avoid conflict with other traffic on in compliance with the direction of a police officer or traffic control sign or signal.
- 21) Street or Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel.
- 22) Through Street: Every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this ordinance.
- 23) Traffic: Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together, while using any street for purpose of travel.
- 24) Traffic-Control Devices: All signs, signals, markings, and devices, whether immovable or whether manually, electrically or mechanically operated, placed or erected by authority of the City Council or the Police Chief by which traffic is alternately directed to stop or to proceed or for the purpose of regulating, warning or guiding traffic.
- 25) Vehicle: Every device in, upon, or by which any person or property is or may be transported, or drawn upon a highway, except devices moved by human power is used exclusively upon stationary rails or tracks.

4-710 Obedience to Traffic Regulations

4-711 Authority of Police and Fire Department Officials

Officers of the Police Department of such officers as are assigned by the Police Chief are hereby authorized to direct all traffic by voice, hand or signals in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic conditions may require notwithstanding the provisions of this ordinance. Officers of the fire department, when at the scene of a fire, may direct or as with the police in directing traffic thereat or in immediate vicinity.

4-712 Required Obedience Traffic Ordinance

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance.

4-713 Obedience to Police and Fire Department Officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

4-714 Public Employees to Obey Traffic Regulations

The provisions of this ordinance shall apply to the driver of any vehicle owned or used in the service of the United States Government, this State, County, or City, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in the ordinance of by State statute.

4-715 Exceptions to Authorized Emergency Vehicles

- 1) The provision of this ordinance regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, except a driver when operating any such vehicle in an emergency may
 - a) Park or stand notwithstanding the provisions of the ordinance;
 - b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c) Exceed the speed limits so long as he does not endanger life or property;

- d) Disregard regulations governing direction of movement or turning specified directions so long as he does not endanger life or property
- 2) Notwithstanding section 1) above, any operator of an emergency vehicle at the scene of an accident shall obey any order to move his vehicle when directed to do so by a police officer pursuant to **Section 4-711** of this ordinance.
- 3) The foregoing exemption shall not, however protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others.

4-716 Persons Propelling Push Carts, Riding Animals, or Driving Animals Drawn Vehicles to Obey Traffic Regulations

Every person propelling any push carat or riding any animals upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this ordinance applicable to the diver of any vehicle, except those provisions of this ordinance which by their very nature application.

4-720 Reserved

4-721 Authority to Install

The Police Chief with the approval of the City Manager shall place and maintain or cause to be placed and maintained, traffic control sighs, and devices when as required or authorized under this ordinance, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under this ordinance, or under State law, or to guide or warn traffic, and signs prohibiting left, right or U turns, the location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic-control devices.

4-722 Obedience to Official Traffic-Control Devices

The driver of any vehicle shall obey the instructions of any official traffic-control devices applicable thereto placed in accordance with this ordinance, unless otherwise directed by a police officer, subject to the exceptions granted to the driver of an authorized vehicle for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sigh is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a particular section does not state that signs are required, such section does not state that signs are required, such section shall be effective even though no signs are erected in place.

4-723 Obedience to No-Turn Signs and Turning Markers

Whenever authorized signs are erected indicating that no right or left turn or “U” turn is permitted, no driver of a vehicle shall disobey the directions of any such signs, and an intersection indicating the source to be traveled by vehicles turning there, no drivers of vehicle shall disobey the directions of such indications.

4-724 Traffic Control Signal, Legend

When traffic is controlled by traffic-control signals exhibiting different colored lights successively, the following colors shall be used, and said terms and lights shall indicate the apply to drivers of vehicles and pedestrians as follows:

- (1) Green Alone
 - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either turn. Vehicular traffic including vehicles turning right or left shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjusting crosswalk.
 - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Yellow and Red
 - (a) Vehicular traffic facing this signal shall not proceed but are simply advised that the light is about to change to Green.
 - (b) Pedestrians facing this signal shall not enter the roadway unless they can do so safely and without interference to any vehicular traffic. Those already in the road way may continue to their destination.

- (3) Yellow and Green
 - (a) Vehicular traffic facing this signal shall not proceed unless already in the intersection and all are advised by this signal that the light is about to change to Red.
 - (b) Pedestrians facing such a signal shall not enter the roadway unless they can do so safely and without interference to any vehicular traffic. Those already in the roadway may continue to their destination.
- (4) Red Alone
 - (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until the green signal is shown alone.
 - (b) No pedestrians facing such signal shall enter the roadway unless he can do so safely and without interference with any vehicular traffic.

4-725 Flashing Signals

Whenever flashing red yellow signals are use they shall require obedience by vehicular traffic as follows:

- 1) Flashing Red (Stop Signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop sign.
- 2) Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent lashes, drivers of a vehicle may proceed through the intersection or past such signal only with caution.

4-726 Designation of Crosswalks and Traffic Lanes

The Police Chief with the approval of the City Manger is hereby authorized:

- 1) To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is a particular danger to pedestrian crossing the roadway, and at such other places as he may deem necessary.
- 2) To make lanes for parking and for traffic on street pavements at such places as he may deem advisable consistent with this ordinance.

4-727 Stop Signs

- 1) Whenever this ordinance designates and describes a through street, it is shall be the duty of the Police Chief to place and maintain a stop sign on each and every street intersecting such through street. Every such sign shall bear the word "STOP" in letters not less than six inches in height, and shall be located as near as practicable at the nearest line of crosswalk on the near side of the intersection, or, if none, at the nearest line of the roadway.
- 2) When stop signs are erected as herein provided at or near the entrance to any intersection, every driver of a vehicle shall stop such vehicle at such signs or at a clearly marked stop line before entering the intersection except when directed to proceed by a police officer or traffic control signals.
- 3) After the driver of a vehicle has stopped in obedience to stop sign at the entrance to a through street, such driver shall then proceed cautiously, yielding the right-of-way to vehicles which have entered the intersection from said through street or which are approaching so closely on such through street as to constitute an immediate hazard, but may then proceed.

4-728 Display of Unauthorized Signs, Signals or Markings

- 1) No person shall place, maintain or display upon or in view of any highway an authorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, or which attempts to direct the movement of traffic, or which hides

from view or interferes with the effectiveness of any official traffic-control device, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways signs giving useful directional information and of a type that cannot be mistaken for official signs.

- 2) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

4-729 Interference with Official Traffic-Control Devices

No person shall without lawful authority attempt to or actually alter, deface, injure, knock down, or remove any official traffic-control device, or any inscription, shield or inscription thereon, or any part thereof.

4-730 Reserved

4-731 Stopping, Standing, and Parking Prohibited in Specified Places

- 1) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a Police Officer or traffic-control device, in any of the following ways:
 - (a) On a sidewalk
 - (b) In front of a public or private driveway or alleyway
 - (c) Within an intersection
 - (d) Within 5 feet of a fire hydrant
 - (e) On a crosswalk
 - (f) Within 10 feet of the near corner of the curb at an intersection
 - (g) Within 15 feet upon the approach to any stop sign located at the side of a roadway
 - (h) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station with 75 feet of said entrance, when properly sign posted
 - (i) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic
 - (j) On the roadway side of the vehicle stopped or parked at the edge or curb of a street
 - (k) Upon any bridge
 - (l) At any place where official signs or curb painting so prohibited
- (2) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as in unlawful

4-732 Parking Prohibited at All Times on Certain Streets

When signs are erected in each block giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets described in **Section 4-811** of this ordinance.

4-733 Parking Time Limited on Certain Streets

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than two hours between the hours of 8 a.m. and 6 p.m. Monday through Fridays, or between the hours of 8 a.m. and 10 p.m. Saturdays, public holidays excepted upon any of the streets or parts of streets described in **Section 4-812** of this ordinance.

4-734 Hazardous or Congested Places

- 1) The Police Chief with the approval of the City Manager is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- 2) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop or park a vehicle in any such designated place.

4-735 Parking Not to Obstruct Traffic

No person shall stop, stand, park or leave his vehicles on any street in such a manner or under such conditions so as to obstruct the free passage of other vehicles in either direction unless specifically permitted by police officer, or as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

4-736 Parking in Alleys

No person shall park a vehicle with an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

4-737 Combination Bus Stops-Taxi Stands

- 1) The City Council by order shall designate spaces as Bus Stop-Taxicab stands on such places and in such number as it shall determine to be of the greater benefit and convenience to the public. The Police Chief shall cause such spaces to be designated by appropriate signs or curb marking or both.
- 2) The driver of a bus or taxicab is hereby authorized to park the same in any such space without restriction as to time.
- 3) The driver of a bus shall not stand or park the same upon any street in any business district at any place other than at such a space, when same has been officially designated and appropriately marked, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.
- 4) The driver of a taxicab shall remain in the driver's seat of said taxicab (except while actually engaged in admitting or discharged passengers or transporting their luggage) while the same is in such a space; he shall not park the same in any space in front of a hotel while another taxicab is therein; he shall yield the space immediately to a bus about to be driven in such space.
- 5) No person shall stop, stand, or park a vehicle other than a bus or taxicab in any such space when same has been officially designated and appropriately marked, except that the driver of any passenger car to light delivery vehicle may stop the same therein for the purpose of and while actually engaged in loading or unloading passengers or parcels and when such stopping does not interfere with any operator who desires to drive a bus into such space.

4-738 Standing or Parking Close to the Curb

No person shall stand or park a vehicle on any street in a business district other than parallel with the edge of the roadway, headed in the direction of the lawful traffic movement, and with the right hand wheels of the vehicles within 12 inches of the curb or edge of the roadway, except as follows:

- 1) Upon such streets or parts thereof which have been officially signed to marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of roadway indicated by such signs or markings.
- 2) When specifically authorized by a Police Officer, any person may back a vehicle to the curb for the purpose of loading or unloading merchandise or materials for a period of not to excess of 30 minutes. No person shall so back a vehicle to a curb unless specifically so authorized by a Police Office and no person shall in any event back a vehicle on to any curb or sidewalk in the City.

4-739 Assemblages, Place of

The Police Chief is authorized to place temporary or permanent traffic-control signs in front of the entrance to places of assemblage or any building in which entertainments, plays, shows, exhibitions and the like are given, either regularly or otherwise and for such period as the Police Chief in his direction may deem wise under the circumstances.

4-740 Large Vehicles

No owner, driver, or person in charge of any vehicle which has a carrying capacity of more than three thousand pounds, or which including load is more than 18 feet in length, or which including loads is more than eight feet in width, or which including load is more than twelve feet six inches in height, shall permit the same to stand upon any public street in the City for a longer period than one hour at any one time.

4-741 Lights on Parked Vehicles

As provided by Maine law, whenever a vehicle is lawfully parked in a place and under conditions where there is sufficient artificial light to make such vehicle clearly visible from a distance of not less than 100 feet in each direction, no light need to be displayed during the period from one half-hour before sunset to one half-hour before sunrise. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

4-742 Owner's Liability

Whenever any police officer shall fine any vehicle which has been illegally parked and such police officer is unable to determine the person who is responsible for such parking, the owner of the vehicle shall upon request of the Police Department furnish to it the name of the driver of the vehicle responsible for such illegal parking. Failure upon the part of any owner to do so shall make him liable to the general penalty under this ordinance.

4-743 Schools

The Police Chief is hereby authorized to cause temporary and permanent signs to be erected, indicating no parking adjacent to any school property, when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking adjacent to any school property, no person shall park a vehicle in any such designated place.

4-744 Snow Removal

No vehicle shall be parking at any time on any public street or way so as to interfere with or hinder the removal of snow from said street or way by the City plowing or loading and hauling. The Chief of Police may cause any vehicle so parking on any street or way so as to interfere with or hinder the removal of snow by the City by plowing, or loading and hauling, to be removed from the street and placed in a suitable parking space off the street, at the expense of the owner of such vehicle, and without the City being liable for any damages that may be caused by such removal. For the purpose of facilitating the removal of snow, the Public Works Director or Chief of Police may cause to be placed properly marked signs along any street or streets as he shall from time to time deem necessary. It shall be unlawful for the operator of any vehicle to enter upon, stop or park within the spaces indicated by such signs.

4-745 Theaters

4-746 Unlawful Parking

No person shall park a vehicle upon any roadway for the principal proposes of advertising, displaying such vehicle for sale, or washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

4-747 Parking Meters

- 1) The City Manager is hereby authorized and direct to designate and cause to be marked off such individual parking spaces as he deems proper on any street where parking is limited as to time, subject to prior approval as to the location by the City Council. Said approval by the City Council shall consist

of an acceptance of **Section 4-812**, and any amendments thereto, mentioned in **Section 4-733** of the Traffic Code.

- 2) The City Manager is hereby authorized and directed to place, install and remove parking meters upon the curbside of individual parking spaces as of the preceding subsection. All such parking designated and marked of under the provisions meters shall comply with the conditions set forth in the definition of "Parking Meter" in **Section 4-701** of this ordinance, and said meters shall be under the management, supervision and control of the City Manager.
- 3) At each place an individual parking space is marked as provided in Sub-section (a) hereof each vehicle shall be placed entirely within each individual parking space. Whenever a vehicle shall be in an individual parking space, where a parking meter has been installed, the person so placing such vehicle shall immediately deposit a proper coin or coins of United States money or Canadian money in said parking meter as indicated by instructors on said meter, namely: ten cents for the maximum legal parking limit of two hours or a coin or coins in proportionate amounts for any lesser period of time desired. Any coin or coins deposited must be of the denomination and kind for which the parking meter is designed. Provided, however, that no coin deposit required for: (1) Vehicles parking during weekday hours when parking is not limited as to time, or on Sunday or Public Holidays.
- 4) All parking is prohibited in any parking space where a meter is installed, unless a deposit of the coin or coins indicated by said meter is made as herein directed. Any vehicle parked in contravention of this provision shall be deemed to be illegally parked under the provisions of this ordinance. The fact that a vehicle is in an individual the same shows no parking permitted unless a deposit of a proper coin or coins is made as herein provided shall be prima facie evidence of the unlawful parking of such motor vehicle by its operator and its owner.
- 5) It shall be unlawful and violation of the provisions of this ordinance for any person to cause, allow, permit, or suffer any vehicle to remain or be placed or parked:
 - a) In any parking space adjacent to any parking meter;
 - b) In any position other than entirely within the lines delineating such space; or
 - c) While said parking meter is displayed a signal indicating that the vehicle occupying such parking space has already been parked beyond the limitation period prescribed for such parking space, or in excess of the time limitation prescribed for parking in such space.
- 6) It shall be unlawful and a violation of the provisions of this ordinance:
 - a) To deposit or cause to be deposited in a parking meter any coin for the purpose of extending the parking time beyond the period prescribed for parking in such space;
 - b) To deposit or cause to be deposited in any parking meter any slug or device or metallic substance or any other substitute for a required coin of the United States; or
 - c) To deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this ordinance.
- 7) It shall be the duty of the police officers of the City of Calais, acting in accordance with instructions issued by the City Manager to report:
 - a) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent is or has been parking in violation of any provisions of this ordinance;
 - b) The State license number of such vehicle;
 - c) The time during which such vehicle is parking is violation of any provisions of this ordinance;
 - d) Any other facts, knowledge of which is necessary to a thorough understanding for the circumstances attending such violation.
- 8) Each officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of this ordinance.
- 9) The City Manager shall designate some person or persons to collect the coins deposited in parking meters. In collecting such coins, the person or persons so designated shall remove the sealed coin chamber or compartment from each parking meter and deliver the same to the Treasurer of the City of Calais. Said Treasurer shall count the coins so delivered and deposit the same to the credit of the City of Calais.
- 10) The purpose of the Section is to assist the regulation of over-time parking by the use of parking meters and shall be so construed. Nothing in the Section shall be construed as prohibiting the City of Calais from providing for free parking space for loading and unloading, combination Bus Stop—Taxicab stands, or for any other purpose. The fee required to be deposited in said meters is hereby levied as a

police regulation and inspection fee to cover the cost of providing parking spaces, parking meters and installation and maintenance thereof, and for the cost of any resultant traffic administration expense.

- 11) The penalty provided in **Section 4-801** of this ordinance shall be applicable to any person who shall violate or permit or allow anyone to violate this section and any Sub-section 7) c) hereof shall upon conviction be fined not less than fifty dollars (\$50) and not more than one hundred dollars (\$100), and may not elect the alternative method prescribed in **Section 4-804** of this ordinance.

4-750 (Reserved)

4-751 (Reserved)

4-752 Bicycles and skateboards

- 1) No person shall ride or propel a bicycle upon any public street in this City other than astride a permanent and regular seat attached thereto or use a bicycle to carry more than one persons at one time than the number for which it is designed and equipped, or ride abreast or to the left of any other person riding or propelling a bicycle.
- 2) No person shall park a bicycle on any street except in standing position against the curb or edge of roadway or sidewalk.
- 3) No person shall ride or propel a bicycle or skateboard on any Main Street sidewalk from the Ferry Point Bridge to Calais Ave. Bicycles may be walked and skateboards may be carried.
- 4) Every person propelling or riding a bicycle upon any public street in the City shall be subject to the provisions of this ordinance, which by their very nature can have no application.
- 5) Any person operating a bicycle shall obey the instructions of the official traffic-control signs, signals, and other control devices, including signs indicating that no left, right or U turn is permitted, applicable to vehicles, unless otherwise directed by a police officer.
- 6) No person riding upon any bicycle shall attach the same or himself to any moving vehicle upon a roadway.

4-753 Clinging to Moving Vehicles

No person riding upon any motorcycle, a coaster, sled, roller skates, or any toy vehicle shall attach the same to himself to any moving vehicle upon the roadway.

4-754 Entering Traffic from Curb

The driver of a vehicle starting from a curb or roadway edge shall yield the right-of-way to all moving traffic on the roadway; he shall not enter or attempt to enter such moving traffic until he can do so safely.

4-755 Entering Traffic from Alley or Private Driveway

The driver of a vehicle emerging from any alley, driveway, or building shall stop such vehicle immediately prior to driveway onto a sidewalk or onto the sidewalk area extending across any alleyway, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching or said roadway.

4-756 Following Fire Apparatus Prohibited

The driver of any vehicle other than official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

4-757 Fire House, Crossing

No person shall drive a vehicle over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm fire, without the consent of the fire department official in command.

4-758 Heavy Loads

During any part of the period between November first and June first, except when the surface of the road is solidly frozen, no driver of a vehicle, the gross weight of which (vehicle and load combined) exceeds three and one half tons shall drive the same on those streets duly posted to that effect at each end thereof. (REPEALED 4/24/2008)

4-759 Litter

No person shall operate a vehicle upon any street in such manner that material, rubbish, refuse, junk or litter of any kind drips, sifts, leaks, drops, or otherwise escapes therefrom or drops upon the surface highway, street or alley.

4-760 Motorcycles

No person operating a motorcycle shall ride other than upon the permanent and regular seat attached thereto nor shall any other person ride upon such motorcycle other than upon a firmly attached seat to the rear or side of the operator.

4-761 Noise

No person shall sound an automobile horn, bell, or other sound device on a vehicle anywhere in the city at any time, except when necessary for safe driving. No person shall load or unload a vehicle with iron or other material that may strike together without properly deadening to it so that it will cause no unnecessary noise. No person shall drive a motor vehicle except a fire department vehicle on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive noise and annoying smoke, nor use of a muffler cutout on any vehicle, except a fire department vehicle, upon any street.

4-762 One-Way Streets

Upon those streets and parts of streets described in **Section 4-813** of this ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of the traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited, which signs the Police Chief is hereby authorized and directed to erect and maintain.

4-763 Operation of Vehicles on Approach of Authorized Emergency Vehicles

Upon the immediate approach of any authorized emergency vehicle, when the driver thereof is giving audible signals by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

4-764 Overtaking a Vehicle

No driver of a vehicle shall leave the line on the right for the purpose of overtaking another vehicle unless there is a clear way of at least one hundred feet in advance on the left. When overtaking another vehicle proceeding in the same direction, the driver of any vehicle shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the roadway until safely clear of such overtaken vehicle. The driver of a vehicle on a street about to be overtaken and passed by any other vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of highways.

4-765 Parades and Processions: Permits

No funeral, procession, or parade containing 200 or more persons or 50 or more vehicles, excepting the military forces of the United States and of this State and excepting parades on Public holidays

shall occupy, march or proceed along any street, to the exclusion or interruption of other persons in their individual right and use thereof, except in accordance with a permit issued by the Police Chief and such other regulations as are set forth herein which may apply.

4-766 Procession: Funeral Identification

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such method as may be determined and designated the Police Chief

4-767 Processions: Drivers

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and follow the vehicles ahead as closely as in practical and safe.

4-768 Processions: No Driving Through

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic-control signals in operation or by stop signs.

4-769 Report of Accident

The driver of any vehicle involved in an accident resulting in injuries to or death of any person or, property damage to the estimated amount of \$100.00 or more shall (1) give such immediate notice to police or other law enforcement agencies and (2) file a written report required by appropriate statutes of the State of Maine.

4-770 Right of Way

All vehicles have the right-of-way over other vehicles (except authorized emergency vehicles when operated on official business and the drivers thereof sound audible signals by bell, siren or exhaust whistle) approaching at intersecting public ways from the left, and shall give the right-of-way to those approaching from the right, except that traffic officers stationed at such intersection may otherwise regulate traffic thereat, and except at intersection where traffic is controlled by traffic control signals in operation or by stop signs.

4-771 Sidewalk: Vehicles Shall Not Be Driven On

The driver of a vehicle shall not drive or ride within any sidewalk area except at a permanent or temporary driveway.

4-772 Speed Regulation

The provision of Chapter 22 of the Revised Statutes of Maine (1954) as amended apply to the operation of all vehicles upon any way within the City of Calais by virtue of law and the speed of all vehicles shall conform with appropriate provisions of said State law.

4-773 Snow Plows: Following and Meeting

The driver of any vehicle other than one on official business shall not follow closer than 200 feet to any snowplow engaged in plowing. The driver of any vehicle meeting a snowplow on a roadway plowing shall turn off on another street if practicable, otherwise shall come to a complete stop at least 50 feet away from said plow and not start again until the plow has passed.

4-774 Through Streets

Those streets and parts of streets described in **Section 4-814** of this ordinance, having been so designated by the Maine State Highway Commission as provided by State Law are hereby declared to be through streets.

4-775 Traffic Law Violation Tickets

No person shall remove from any vehicle a traffic law violation ticker, notice or citation placed on or in such vehicle by a police officer of the City, except for the purpose of answering such notice or citation as requires therein.

4-776 Traffic Obstructed

No drive shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

4-777 Truck Traffic Routes

Truck traffic routes, to be identified by signs and marking erected and maintained by the Police Department, as directed by the City Manager, may be established within the City limits. When established and posted, all persons driving motor vehicles into the City limits for the transportation of property through the city shall drive such vehicle or vehicles over and along such established truck traffic routes.

4-778 Turn Around: Limitation

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district, and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

4-779 Left Turns

The driver of a vehicle intending to turn left at an intersection or into an alley or a private road or driveway shall approach such intersection or point of turning in the lane for traffic to the right of and nearest to the center line of the street (with the left side of the vehicle as near as possible to, and the right of the center line of the street on which he is proceeding), and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof turning such vehicle to the left. For the purpose of this section, the center of the intersection shall mean the meeting point of the medial lines of the street intersecting one another. On one-way street such turn shall be made from left lane of traffic.

4-780 Right Turns

The driver of a vehicle intending to turn to the right at an intersection or into an alley or private road or driveway shall approach such intersection or point of turning, as closely as practicable to the right-hand curb or boundary of the street (in the lane for traffic nearest to the right hand side of the way), and in turning shall keep as closely as practicable to the right hand curb.

4-781 Unattended Vehicles

No person driving in charge of a motor vehicle shall permit it to stand on any roadway unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle. No person shall allow an animal drawn vehicle to be unattended unless it is reasonably fastened.

4-782 Unlawful Acts on Highway: Littering Prohibited

No person shall throw or place or cause to be thrown or placed upon highway any glass, glass bottle, nails, tacks, wire, scraps metal, crockery, can, or any other substance injurious to the feet of persons or animals or to the tires or wheels of vehicles. Whoever accidentally, or by reason of an accident, drops from his hand or a vehicle any such substance upon any highway shall forthwith make all reasonable efforts to clear such highway of the same.

4-783 State Law

All State motor vehicles laws are hereby incorporated herein by reference. No person shall violate any motor vehicle law of the State of Maine within the limits of the City of Calais.

4-790 (Reserved)

4-791 Pedestrians Subject to Traffic-Control Signals

Pedestrians shall be subject to traffic-control signals as heretofore declared in **Section 4-724** of this ordinance but all other places pedestrians shall be granted those rights and be subject to the restrictions in this article.

4-792 Pedestrians' Right of-Way in Crosswalk

- (1) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any crosswalk when the pedestrian is upon half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- (2) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicles.

4-793 Driver to Exercise Due Care

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon the roadway.

4-800 Procedure on Arrest, Penalties: Miscellaneous

4-801 Penalties

General Penalty: Unless another penalty is expressly provided by State Law, any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not less than \$25 and not more than \$250, except as otherwise provided in the following sections of this section.

4-802 Bicycle Violations

Any person violating any provision of this ordinance shall be subject to a penalty imposed for violation of this ordinance; however, such person may elect in lieu of the penalty to surrender his bicycle to the Police Department in accordance with the following schedule: three days for the first violation, 10 days for second violations, or 30 days for the third violation of any one provision of this ordinance in any one calendar year, the general penalty provided by **Section 4-801** hereof shall be applied, except that the violator with the approval of the Chief of Police may elect to surrender his bicycle for 30 days.

4-803 Violations

Any person violating **Section 4-713** of this ordinance shall be subject to the general penalty provided in **Section 4-801** hereof.

4-804 Other Violations

Any person violating any other provision of this ordinance shall be subject to the general penalty imposed for violation of this ordinance; however, such person may elect in lieu of such penalty to pay the sum of not less than twenty five dollars (\$25.00) and not more than two hundred and fifty dollars (\$250.00) for each such violation, provided said sum is paid within seventy-two (72) hours of the time of the violations, said sum to be paid at the Office of the City Treasurer. Any person parking within five (5) feet of a fire hydrant shall be subject to the general penalty provided in **Section 4-801** hereof, or may elect to pay the sum of twenty-five dollars (\$25.00) to be paid at the Office of the City Treasurer, which sum shall be increased to fifty Dollars (\$50.00) if not paid within seventy-two (72) hours of the time of said violation. Any construed as an enforcement imposition of a fine or penalty, but on the other hand shall be construed as an amount which an offender may voluntarily contribute toward the cost and expense of furnishing to the public a less expensive alternative method of regulating and administering traffic law violations. Any violators making such payments shall be given a receipt for every such payment and copies of said receipts shall be retained by the City Treasurer. If however, such payment as specified above is not made within the

two-week period, then this alternative method is not available or applicable, and the penalty provided by this ordinance shall be imposed.

4-805 Exception for Non-Residents

Anything in this ordinance to the contrary notwithstanding, the Police Chief is authorized to waive payment on any traffic violation ticket issued to a non-resident when in the opinion of the Police Chief such violation is due to lack of knowledge of the violation provision of this ordinance; provided, however, that this benefit shall not be extended to any violation deemed by the Police Chief to be deliberate, continued or flagrant, and provided that in no event shall this benefit extend to a violation of the provision prohibiting parking in front of a hydrant area.

4-806 Regulation Not Exclusive

The provisions of this ordinance imposing a time limit on parking or governing loading and unloading shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles or governing the loading and unloading in specified places or at specified times.

4-807 Separability

If any part or parts of this ordinance are held by a court of competent jurisdiction to be invalid, it is the legislative intent of the City Council that such decision shall not affect the validity of the remaining portions of his ordinance.

4-810 Street Schedules

4-811 Parking Prohibited at All Times Upon Following Streets

1. Monroe Street: even numbered side, Main to Lowell Street
2. Union Street: Both sides, Main to Buick Avenue
3. Salem Street: Both sides
- 4.
- 5.
6. Customs Street: odd numbered side from Main Street
7. Calais Avenue: Main Street to Washington Street on the sides of each lane furthest from the center sidewalk strip.
8. Odd numbered side of Academy Street from Calais Avenue to North Street
9. Even numbered side of Church Street from Academy Street to Washington Street

The following named streets formerly designated as locations for parking meters shall hereafter be restricted as to parking by the imposition of a two hour limit and proper signs shall be posted as provided in

Section 4-812

1. Main Street: Southerly side, from River Street to Calais Avenue.
2. Main Street: Northerly side, from Union Street to Triangle Park
3. North Street: From Main Street to Lowell Street
4. North Street: From Main Street to Washington Street.
5. Church Street: From Main Street to the New England Telephone Company property
6. Church Street: From Main Street to the Calais Fire Station.
- 7.
8. North Street: Both sides, from Main Street to Union Street
9. Monroe Street: Southerly side, from Main Street to Lowell Street

4-813 One-Way Streets

Upon the following streets or parts thereof, traffic shall move only in the following direction:

1. Blacksmith Street: North from Main Street to Union Street
2. Monroe Street: South from Main Street to Lowell Street
3. Salem Street: North from Main Street to Municipal Parking Lot Entrance

4-814 Through Streets

1. Main Street
2. North Street

Adopted:

Amended: July 14, 2005; September 22, 2005; April 24, 2008

Repealed: Section 4-758 Heavy Loads—April 24, 2008

SINGLE ASSESSOR ORDINANCE

4-441 Single Tax Assessor

Under the provisions of M.R.S.A. Title 30, Section 5351, C. , the office of Tax Assessor is hereby created, said office to be filled by one person and to replace the 3 members of the Board of Assessors as heretofore provided by the Calais City Charter.

4-442 Term of Office

The Tax Assessor shall be chosen by the City Council and shall serve for a term of one year.

4-443 Duties

The Tax Assessor shall perform all the duties of assessors as provided by Maine law, the same as in towns, and shall have like powers as provided by law.

4-444 Compensation

The Tax Assessor shall receive such compensation as may from time to time be fixed by order of the City Council.

4-445 Vacancies

In the event of a vacancy in said office for any reason; the same shall be filled by the City Council.

4-446 Effective Date

The ordinance shall be effective February 1 , 1971.

Amended:

Repealed:

Ordinance Number Assigned: 1971-200

Board of Assessment Review Ordinance

4-421 Board of Assessment Review

Under the provisions of M.R.S.A. Title 30A, Section 2526(6), there is hereby created a Board of Assessment Review for the City of Calais to consist of 5 members.

4-422 Term of Office

Members of the Board of Assessment Review shall be chosen by the City Council and shall serve for terms of 3 years, provided, however that those members chosen to serve initially shall by lot determine their individual terms so that one member shall serve 1 year, one member shall serve 2 years and one member shall serve 3 years. Hereafter, the City Council shall annually choose a new member to serve for a term of three years. A member may be chosen to serve more than one term. All members shall be legal residents of the City of Calais.

4-223 Duties

The duties of the Board of Assessment Review shall be as provided by Maine law.

4-424 Vacancies

Where vacancies occur by reason of death, resignation, removal from the City or for any other reason, the same shall be filled by the City Council for the balance of the expired term.

4-425 Effective Date

This ordinance shall be effective February 1, 1971

Amended : February 26, 2009, Amendments effective: March 28,2009

SPECIAL AMUSEMENT PERMITS ORDINANCE

4-281 Introduction

Under the provisions of Chapter 501, Public Laws of 1977, the City of Calais must adopt an ordinance governing procedures for the issuance of Special Amusements Permits for music, dancing, and/or entertainment on premises licensed by the State for consumption of liquor.

4-282 Procedure

All such Special Amusement Permit applications shall be acted upon by the Calais City Council after notice and public hearing. Notice of such hearings shall be published at least once in a newspaper of general circulation in the City of Calais at least 7 days prior to the public hearing. The City Clerk shall receive all such applications and see to the publication of notice as required herein. The applicable law of Maine shall govern the actions of the City Council under this Ordinance.

4-283 Fees

The applicant shall be requested to pay to the City Clerk, an application fee of:
One hundred dollars (\$100.00) for businesses
Fifty dollars (\$50.00) for non-profit organizations
and an additional fee of sufficient to cover the actual costs of publication of the notice.

Penalty

Any person who violates any portion of this ordinance shall be subject to a fine of up to \$250.00 for each offense.

Repealing Provision.

All previous Special Amusement Ordinances in conflict with this ordinance are hereby repealed.

Severability.

Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Adopted: July 1, 1978
Amended: April 28, 2005
Repealed:

CALAIS SCHOLARSHIP ORDINANCE

4-481 Purpose

It is the purpose of this ordinance to provide an impartial means for the awarding of scholarships, and other educational awards and prizes in accordance with the terms of certain existing trusts wherein the City is designated as Trustee for any similar trusts which may be created hereafter. It shall be known as the Calais Scholarship Ordinance.

4-482 Scholarship Commission

The Calais Scholarship Commission is hereby created to consist of seven members who shall be legal residents of Calais and who shall serve without pay. They shall be appointed by the Calais City Council to serve for three-year terms to run in each case from the first of January. Provided nevertheless, the seven members first appointed shall determine by lot their terms in order that two shall serve for one year, two shall serve for two years and three shall serve for the prescribed three years. Thereafter all members shall serve for the prescribed three-year term and the Calais City Council shall appoint the required number of members each year to maintain the Commission at full membership. Members may be re-appointed.

4-483 Organization

The Commission shall annually elect one of their number as Chairman and one as Secretary. The Chairman shall preside at all meetings. In the absence of a chairman another member may be elected to act as Chairman pro tem. The Secretary shall keep the minutes of all meetings and the permanent records of the Commission.

4-484 Vacancies

In the event of any vacancy on the Commission by reason of death, resignation, or removal from the City of Calais, the City Council shall appoint a member to fill the unexpired term.

4-485 Procedure

The Commission shall act as the selection body in all cases where the city of Calais is or may be designated as a public trustee for the purpose of awarding scholarships or other educational awards and prizes. The Commission shall, in making such selections; follow the terms of the will, trust instrument or other instrument creating the scholarship, award, or prize. In making the selections, the Commission, at its discretion, or when required by the terms of any applicable instrument, interview applicants, consult with school authorities, and such other person as it may deem necessary to carry out its functions. The deliberations of the Commission in making selections shall be confidential and all material furnished to the Commission relating to the character, reputation, and abilities of applicants shall likewise be confidential. Decisions of the Commission in making such selections shall be final and non-reviewable by any other body or person.

4-486 Effective Date

This ordinance shall become effective immediately upon passage. Those members appointed to the Commission initially shall serve for terms which shall be considered to date from January 1, 1983 for purposes of determining their terms under the provisions of Section 4-482 hereof. This ordinance shall be published once in the Calais Advertiser immediately following its enactment.

Adopted: ~1983

Amended:

Repealed:

Ordinance Number Assigned: 1992-800

CABLE TELEVISION ORDINANCE

THE CITY OF CALAIS, MAINE, acting by and THROUGH its municipal officers, HEREBY ORDAINS the following Cable Television Ordinance:

Section 1. PURPOSE.

The purpose of this ordinance is to provide for City regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the City of Calais , including poles, wires, cables underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the City of Calais, of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the City regulation of CATV operation.

Section 2. DEFINITIONS.

a. "CATV" shall mean any community antenna television system or facility that, in whole or in part receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.

b. "Cable Television Company" shall mean any person, firm or corporation owning, controlling, operation, managing or leasing a CATV system within the City of Calais, sometimes hereinafter referred to as "the company."

c. "City" shall mean the City of Calais, organized and existing under the laws of the State of Maine and the area within its territorial limits.

Section 3. FRANCHISE REQUIRED.

No person, firm or corporation shall install, maintain or operate within the City or any of its public ways or other public areas any equipment or facilities for the operation of a CATV system unless a franchise authorizing the use of said public ways or areas has first been obtained pursuant to the provisions of this Ordinance and unless said franchise is in full force and effect..

Section 4. FRANCHISE CONTRACT.

a. The municipal officers of the City may contract on such terms, conditions and fees as they deem in the best interests of the City and its residents with one or more Cable Television Companies for the operation of a CATV system with the City including the granting of a franchise or franchises for the operation thereof for a period not to exceed ten (10) years.

b. Applicants for a franchise shall pay a non—refundable filing fee to the City of \$500.00 to defray the cost of public notice, any attorney's fees and advertising expenses relating to such application. The applications shall be filed with the City Clerk and shall contain such information as the City may require including, but not limited to, a general description of the applicant's proposed operation, a schedule of proposed charges, a statement detailing its previous two fiscal years, and estimated ten year financial projection of its proposed system, its proposed annual City franchise fee, if any, or the basis for same, and a statement detailing the prior

operational experience of the applicant in both CATV and microwave service including that of its officers, management, and staff to be associated with the proposed operation.

c. Any franchise contract may be revoked by the municipal officers for good and sufficient cause, after due notice to the company and a public hearing thereon, with the right to appeal to the Superior Court: under Rule 80B of the Maine Rules of Civil Procedure.

Section 5 PUBLIC COMMENT PERIODS.

a. Before issuance of a request for proposals, the City shall hold a public hearing with at least seven (7) days advance notice for the purpose of determining any special local needs or interests regarding cable television.

b. Any proposal submitted by a prospective CATV franchise shall be filed in triplicate with the city Clerk's office, shall be deemed a public record, shall be available for a period not less than fourteen (14) days prior to the City's taking any formal action thereon, and public notice of the filing shall be given.

c. Before authorizing the issuance of any such franchise contract, the municipal officers shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a CATV system within the City, and shall conduct a public hearing thereon with at least seven (7) days advertised notice prior to said public hearing.

Section 6. PERFORMANCE BOND AND INSURANCE COVERAGE.

Upon the execution of any such franchise contract the Cable Television Company shall file a surety company performance bond in an amount not less than \$ 1,000,000 conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, regulations governing said franchise, including cost of dismantling the system, and also evidence of such public liability, copyright infringement and other insurance coverage as the municipal officers may require. When the Cable Television Company has completed its proposed system as set forth in its proposal, and in compliance with its franchise agreement, the municipal officers shall permit the company to cancel said bond except for an amount to cover cost of dismantling the system.

Adopted: 9/24/1992

Amended:

Repealed:

1894-600

CITY OF CALAIS

SUMMARY OF CHANGES TO THE JULY 28, 1994 SEWERAGE ORDINANCE

JUNE 26, 2008

The City has conducted a review of its current Sewer Ordinance which was last updated and adopted in July 28, 1994. The Ordinance has recently been reviewed to incorporate updated and clarified administrative and technical language. A summary of each of the proposed Ordinance changes is listed below for reference:

Section 2-510 Use of Public Sewers Required

- Section 2-511
 - Clarified that this section does not apply to the use of composted manure or other soil amendments utilized for lawns, gardening or farming.
- Section 2-514
 - The original Ordinance requires any house, building, or property used for human occupancy to connect to the public sewer system provided that the sewer is located within 100 feet of the property line to be served by the said sewer. This distance has been changed to 200 feet.

Section 2-520 Private Sewage Disposal

- Section 2-522
 - Clarified that prior to the commencement of the construction of a private sewage disposal system, the owner must first obtain a written permit signed by the Local Plumbing Inspector (LPI).
- Section 2-523
 - Inserted language to clarify that the private sewage disposal permit will not be final until the LPI has inspected and approved the installation.
- Section 2-525
 - Adds a section to allow the continued use of a privately owned septic system up to 10 years beyond the date that a public sewer becomes available if the LPI has deemed the operation of the private system to be satisfactory.

Section 2-530 Building Sewers, Connections and Fees

- Section 2-532
 - Provided language to allow the City Council to set an annual Fee for sewer connection permits. Currently the fee is established in the Ordinance.
 - Clarified that multiple building units, connections involving sewer extensions or industrial type discharges may require a monetary deposit sufficient to cover the cost of reviewing the application.

- Section 2-536
 - Provided language to require that the building sewer should be installed at no less than five (5) feet of cover unless properly insulated at shallower depths. The existing Ordinance requires three (3) feet of cover and does not specify that insulation is required.
- Section 2-538
 - This section was clarified to provide that the City is responsible for the public sewer main and the Owner is responsible for the building sewer from the building to and including its connection at the public sewer.
- Section 2-539
 - The Ordinance was updated to add a requirement to provide 48 hours notice to the City for the inspection of a sewer connection.
- Section 2-544
 - Adds clarification to the requirement that no persons shall make connections of roof drains, downspouts, foundation drains, sump pumps or other sources of surface runoff or ground water into the public sanitary sewer.

Section 2-550 Sewer Extensions

- Section 2-552
 - Provides that the City can elect to pay for the replacement of building sewer stubs from the public sewer to the property line during sewer extension or replacement projects in order to have new lines in place before the road is paved.
- Section 2-554
 - Updates the technical material and installation specifications of sewer design and construction in the Ordinance to reflect current standards.

Section 2-580 Protection from Damage

- Section 2-582
 - Provides the specific limits required for certificates of insurance for Contractors conducting sewer construction in the City.

Section 2-590 Powers and Authority of Inspectors

- Section 2-592
 - Provides language to permit the City to access sewer easement areas for the purposes of repair and maintenance to the sewage system.
- Section 2-594
 - Provides the City with the authority to enter a building, structure or property for the purpose of inspection or monitoring compliance with the Ordinance.

Section 2-610 License

- Sections 2-611-2-613
 - Removes the requirement of obtaining a license issued by the Clerk of the City to conduct sewerage work related to the Ordinance.

Section 2-700 Penalty

- Sections 2-701-2-711
 - Provides the City with the authority to enforce the Ordinance, and seek fees and costs to correct or abate any violation of the Ordinance.

Section 2-710 Appeals

- Section 2-711
 - Provides the method of how to appeal a decision by the City to deny a permit application to the City's sewer system.

SEWERAGE ORDINANCE

2-501 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) "City" shall mean the City of Calais, Maine.
- (2) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- (3) "Superintendent" shall mean the Superintendent of Public Works or Wastewater Treatment Plant Operator of the City of Calais, or his authorized deputy, agent or representative.
- (4) "Engineer" shall mean the Professional Engineer retained as City Engineer for the "City Council", City of Calais. In the event the City has not retained a City Engineer, the term "Engineer" as used herein will be construed to mean the Superintendent of Public Works or Wastewater Treatment Plant Operator.
- (5) "City Council" shall mean the duly elected City Council of the City of Calais, or their authorized deputy or representative.
- (6) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (7) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (8) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the City.
- (9) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- (10) "Storm Sewer" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.
- (11) "Combined Sewer" shall mean a sewer receiving both stormwater and sewage.
- (12) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- (13) "Industrial Wastes" shall mean the liquid or solid wastes from industrial or manufacturing, trade or business processes, as distinct from sewage.
- (14) "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

ADOPTED: July 10, 2008

- (15) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
- (16) "Building Drain" shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
- (17) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (18) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in parts per million by weight.
- (19) "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams-ionic weights per liter of solution.
- (20) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.
- (21) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (23) "Person" shall mean any individual, firm, company, association, institution, society, corporation, government entity, group, or any other legal entity.
- (24) "Owner" shall mean any individual, firm, company, association, society, person, or group having title to real property.
- (25) "Developer" shall mean any person, persons, or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.
- (26) "Builder" shall mean any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.
- (27) "Shall" is mandatory. "May" is permissive.
- (28) "Contractor" shall mean any person, firm, or corporation approved by the City Council to work in the City.
- (29) "Property Line" shall mean the edge of a public right-of-way in those instances where the building sewer connects to the public sewer that is located in a right-of-way.
- (30) "A.S.T.M." shall mean American Society for Testing and Materials.
- (31) "D.E.P." shall mean Maine Department of Environmental Protection.

- (32) "Standard Methods" shall mean the latest edition of the publication Standard Methods for the Examination of Water and Wastewater, published by A.P.H.A., A.W.W.A., and W.P.C.F.
- (33) "Sanitary Wastewater" shall mean the liquid waste discharged from a building's or structure's sanitary fixtures, such as toilets, washrooms, urinals, sinks, showers, small laundries, and from kitchens and cafeterias essentially free of industrial wastes or toxic materials. Sanitary wastewater may or may not be discharged separately from industrial wastewater. For a combined discharge the City shall determine if a wastewater discharge meets the definition "sanitary wastewater".
- (34) "Septage" shall mean the mixture of liquids and solid matters removed from septic tanks during normal cleaning.
- (35) "Slug" shall mean any discharge of water or wastewater in which the rate of discharge, or the mass or concentration of any given constituent exceeds, in the opinion of the City, the ability of the sewage works to function efficiently or properly.
- (36) "Local Plumbing Inspector" shall mean the authorized representative of the Maine State Department of Health.
- (37) "Structural Maintenance" means those construction, pipe repair and pipe replacement activities required to correct cracked, broken or crushed pipe and preserve the structural integrity and watertight conditions of the building sewer.
- (38) "Corrective or routine building sewer maintenance" means activities required to preserve or restore functional operation and the free-flowing condition of the building sewer. These activities include, but are not limited to, inspection, blockage removal and cleaning.

2-510 USE OF PUBLIC SEWERS REQUIRED

2-511

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste. This does not apply to the application of reasonable amounts of composted manure, bone meal or other soil amendments utilized for lawns, gardening or farming.

2-512

It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the City, or in any area under the jurisdiction of the City, any sewage, industrial wastes, or other polluted waters. Use of separate storm sewers and sanitary sewer is mandatory for all future construction in the City. No combined sewers will be allowed to be constructed in the future.

2-513

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

2-514

The Owner of any house, building, or property, used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary sewer of the City, is hereby required at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law, within ninety (90) days after the date of official notice to do so, provided that said public sewer is located within two hundred (100) feet of the property line to be served by said sewer. Provided however that where excavation of the public highway is otherwise prohibited by State Law or regulation or where no connecting tee is or will be provided in said sewer, or where unusual hardship exists due to the presence of ledge or height problems. In such cases the City Council may grant exceptions upon specific applications of the owner or lessee of such properties, which such conditions as said City Council may impose.

2-520 PRIVATE SEWAGE DISPOSAL

2-521

Where a public sanitary sewer is not available under the provisions of Section 2-514, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the State of Maine Plumbing Code, Part II, Maine Subsurface Wastewater Disposal Rule, 144A CMR 241 and/or City Ordinances as may be amended from time to time.

2-522

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Local Plumbing Inspector. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Local Plumbing Inspector. A permit and inspection fee shall be paid at the time the application is filed. The amount of this fee shall be set by the City Council and/or by the State of Maine.

2-523

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Local Plumbing Inspector (LPI). The LPI shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall give the Local Plumbing Inspector 24 hour notice of when the work is ready for final inspection, and before any underground portions are covered.

2-524

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

2-525

At such time as a public sewer becomes available, to a property served by a private sewage disposal system, as provided in Section 2-514, direct connection shall be made to the public sewer within ninety (90) days after date of official notice and septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and filled with clean bank run gravel or dirt. Upon inspection and to the satisfaction of the LPI, the City may allow the continued use of a private wastewater disposal system for the duration of its useful life up to a period not exceeding 10 years from the date a public sewer became available.

2-526

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Local Plumbing Inspector.

2-527

The contents from septic tanks of Calais properties may be discharged to the sewage treatment plant upon approval from the Superintendent of the treatment plant. A fee per 1000 gallons shall be paid to the City prior to discharge. The amount of the fee shall be set annually by the City Council.

2-530 BUILDING SEWERS, CONNECTIONS AND FEES

2-531

No unauthorized person shall uncover, make any connections with or opening into use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Council or authorized representative. All work related to the installation of building sewers and the connection to the public sewer shall be performed by persons qualified in this class of work and acceptable to the City of Calais.

2-532

There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the Owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Engineer. A permit, tap-in, and inspection fee is required for a single residential sewer permit, plus an additional fee for each additional living unit incorporated in the same residential structure, shall be paid to the City Clerk at the time an application is filed; provided, however, that not more than four (4) living units may be connected to a single tap. The amount of said fee shall be set annually by the City Council. The City Council shall fix a permit, tap-in, and inspection fee for each commercial, industrial, or other non-residential building, after recommendation of the Engineer based on the size and nature of the operation proposed in such commercial, industrial, or other non-residential building as compared to the demands of a single residential structure.

In the case of multiple building units or connections, connections involving sewer extensions, or industrial discharge, the City may require a monetary deposit sufficient to cover the cost of review of the application, including any expert advice deemed necessary by the City. The amount of deposit shall be estimated by the City and upon payment by the applicant, kept in a non-interest bearing account. Upon completion of the review process, the unused portion, if any, will be refunded. If the initial deposit is not sufficient to pay for the costs incurred by the City, a second deposit shall be made and handled in the same manner as the first.

All costs and expenses incidental to the installation, connection, repair, and testing of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss and damage that may directly or indirectly be occasioned by the installation of the building sewer.

2-533

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures, there shall be provided at least one (1) separate building sewer for each group of four (4) living units.

2-534

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet requirements of this ordinance.

2-535

The building sewer shall meet one of the following specifications: 1) PVC Sewer SDR 35 - ASTM-D3034, 12 1/2 foot or 20 foot lengths; neoprene ring lockin, max. allowable deflection-5.0 percent; 2) PVC Water Pipe class 200, SDR-21, for maximum 2 inch diameter pressure service, 20 foot lengths ASTM-D2241 and D3139, neoprene ring in grooved bell max., allowable deflection-5.0 percent; 3) Extra heavy cast iron soil pipe ASTM-A74, rubber ring in grooved bell, ASTM-C564; or 4) Ductile iron push-on joint sewer pipe, Class 51, ASTM-A746, 13 foot or 20 foot lengths.

The inside diameter of the building sewer shall not be less than four (4) inches nor shall the slope of the pipe beginning 8 feet outside any building or structure exterior wall be less than one quarter (1/4) inch per foot unless approved by the Superintendent. For building sewers over 100 feet in length, from the interior building wall to the connection point to the public sewer, the minimum inside diameter shall be six (6) inches.

The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved fittings. The ends of building sewers shall be sealed against infiltration by a suitable stopper, plug, or other approved means. All joints, connections, or plugs shall be made gas tight and watertight. The building sewer shall be laid on a firm bed (6 inch compacted depth) of 1/2 inch crushed stone or gravel. The backfill shall be placed around the pipe and over it

to a compacted depth of at least 6 inches over the pipe. Backfill up to 6 inches over the pipe shall be tamped. The remainder of the trench may be backfilled by machine with no stone greater than 3 inches. Reconstruction of pavement surface, including gravel base courses, shall be in accordance with MDOT or City of Calais specifications and ordinances as appropriate.

All excavations required for installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification C12 except that no backfill shall be placed until the work has been inspected.

The transition joint between pipes of different materials shall be made with Fernco type couplings or equal as approved by the Superintendent. One transition of different pipe materials shall be permitted beneath the road or street pavement or shoulder to allow connection of building sewer to the existing public sewer.

Premolded gasket joints shall be used and shall be neoprene compression type gaskets which provide a positive seal in the assembled joint. The gasket shall be a premolded, one piece unit designed for joining the pipe material used. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe coupling tools designed for that purpose.

Lead and oakum joints and solvent weld joints are not permitted except with written permission of the Superintendent. These joints, when permitted, shall be installed by licensed master plumbers.

Building sewer cleanouts shall be installed at intervals not to exceed 100 feet in straight lines and at all bends greater than 22 1/2 degrees. The cleanouts shall consist of wyes and 45 degree elbows.

2-536

Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than five (5) feet unless properly insulated at shallower depths. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

2-537

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.

2-538

The connection of the building sewer into an existing public sewer shall be made at the property line or edge of the right-of-way except as provided under Section 2-552 and 2-553. All costs and expense between the building and property line incidental to the installation, connection, replacement and repair of the building sewer shall be borne by the Owner. All costs between the building and the public sewer related to corrective or routine building sewer maintenance, cleaning, root removal, inspection, and that can be completed from within the building shall be borne by the Owner.

The City is responsible for all maintenance and repairs of the public sewer and structural maintenance of the building sewer within the City's right-of-way. The Owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or repair of the building sewer. The method of connection of the building sewer to the public sewer shall be dependent upon the type of pipe material used and in all cases shall be approved by the Superintendent.

2-539

The applicant for the building sewer permit shall notify the Superintendent at least forty-eight (48) hours prior to when the building sewer is ready for inspection, testing and connection to the public sewer. The testing and connection shall be made under the supervision of the Superintendent, or his representative.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled; and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. If the trench is filled before inspection, the Superintendent shall require it to be reexcavated for inspection.

2-540

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored

in a manner satisfactory to the City. All excavating work will conform to 23 M.R.S.A. s 3360-A, more commonly known as the Dig Safe Law.

2-541

When any building sewer is to serve a school, hospital, or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Superintendent, will receive sewer or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Superintendent. If required, a new manhole shall be installed in the public sewer pursuant to Section 2-554, and the building sewer connection made thereto as directed by the Superintendent.

2-542

Where permitted by the plumbing code or other appropriate laws or regulations of the State of Maine, other types of material and construction methods may be used notwithstanding any provisions of this ordinance to the contrary.

2-543

All parts of new building drains and sewers shall withstand, under test without observable leakage, a ten foot head of water for a minimum period of fifteen minutes at a temperature above the freezing point of water.

2-544

No persons shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

2-545

The covers of all building drain and building sewer manholes, inspection chambers, cleanouts, and the like shall be watertight and shall be capable of withstanding, without damage or displacement, any traffic loads to which they may be subject.

2-546

The building drain system shall be so vented that under no circumstances will the seal of any appliance be subjected to a pressure differential in excess of one inch of water. All appliances connected directly or indirectly to the building drain shall have traps with a liquid seal not less than two inches in depth.

2-547

No connection of any kind shall be made directly from any private property to a City pressurized force main sewer.

2-548

All connections made to the public sanitary sewer from a building utilizing a groundwater well water supply shall be required to install an in-line water meter supplied, installed, and maintained by the Owner at Owner's expense.

2-550 SEWER EXTENSIONS

2-551

All extensions to the sanitary sewer system owned and maintained by the City shall be properly designed in accordance with the Recommended Standards for Sewage Works, as adopted by the "NEIWPCC TR-16, ASCE/WEF FD-5, or equivalent standard of care design manual". Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Engineer before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

2-552

Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the City under public contract if, in the opinion of the City Council, the number of properties to be served by such extension warrants its cost and if the Sewage Treatment Plant has the capacity to handle said extension. Under this arrangement, the property owner shall pay for and install the building sewer from the public sewer to the residence or place of business in accordance with the requirements of Section 2-530. Under its discretion, on public sewer replacement work, the City may elect to pay for the replacement of building sewer stubs from the public sewer to the property line. Property owners may propose sewer extensions within the incorporated City by drafting a written petition, signed by a majority of the benefiting property

owners, and filing it with the City Council. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the City Council.

2-553

If the City does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the City Council in accordance with the requirements of Section 2-551. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 2-554. The installation of the sewer extension must be subject to periodic inspection by the Engineer and the expenses for this inspection shall be paid for by the owner, builder or developer. The Engineer's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in Section 2-555 before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.

2-554

Sewer design shall be in accordance with the following provisions:

- a. Pipe material shall be PVC made from virgin plastic conforming to ASTM D 1784, Type 1, Grade 1, and manufactured in accordance with ASTM D 3034, SDR 35 or ASTM F-789; ductile iron conforming to ANSI Specification A 21.51, with iron Grade 60-42-10, and cement lining meeting ANSI Specification A 21.4, but twice the thickness specified; or other material approved by the Superintendent.
- b. All joints shall be prepared and installed in accordance with the manufacturer's recommendations, and shall be gastight and watertight. Joint materials shall be as follows:
 1. PVC-ASTM D 3212
 2. Ductile Iron – ANSI Specification A 21.11.
- c. Minimum internal pipe diameter shall be eight (8) inches.
- d. Branch fittings for house services shall be PVC wyes or tee-wyes, or ductile iron saddles with stainless steel straps and "O-ring" seal set in mastic to create a watertight connection. For all new sewer extensions only wye and tee connections are to be used.

- e. Minimum slope of sewer pipe shall be as in the following table:

Pipe Diameter	Minimum Slope in Feet Per 100 Feet
8"	0.40
10"	0.28
12"	0.22
14"	0.17
15"	0.15
16"	0.14

- f. Sewer pipe shall be laid on 6" of screen gravel or crushed stone bedding material and the bedding shall be shaped to a height of ½ of the pipe diameter so as to give uniform circumferential support to the pipe.
- g. Screened gravel shall have the following gradation:

Sieve Size	% By Weight Passing
1 inch	100
3/4 inch	90 -100
3/8 inch	20 - 55
#4 mesh	0 - 10
#8 mesh	0 - 5

- h. 3/4" Crushed Stone: Durable, clean angular rock fragments obtained by breaking and crushing rock material. Sieve analysis by weight:

Sieve Size	% Passing by Weight
1"	100
3/4"	95 -100
1/2"	35 - 70
3/8"	0 - 25
No. 200	0 - 2

- i. The bedding shall be brought across the full trench width to the pipe mid-diameter.
- j. Trench sand or bedding shall be placed over pipe to a height one (1) foot over the top of the pipe. Trench sand shall be hard, durable particles of granular material with 100% passing the ½" sieve and 0-15% passing the #200 sieve. (Percentages are by weight).

- k. Backfill material shall then be placed and compacted. Suitable backfill material shall be the following, or a combination of the following:
1. Excavated materials that will compact to the compaction requirements.
 2. Native material that does not contain rocks larger than 6" in any dimension.
 3. Dry clay backfill free from lumps.
- l. Compaction densities specified herein shall be the percentage of the maximum density obtainable at optimum moisture content as determined and controlled in accordance with AASHTO T-99, Method C, depending on the material size. Field density tests shall be made in accordance with AASHTO T-191. Each layer of backfill shall be moistened or dried as required, and shall be compacted to the following densities:
- | | |
|--|-----|
| 1. Bedding material and trench sand | 95% |
| 2. Suitable backfill under paved or shoulder areas | 95% |
| 3. Gravel base: | |
| (a) Under paved areas | 95% |
| (b) In shoulder areas | 95% |
| 4. Loam areas | 90% |
| 5. All other areas | 85% |
- m. Pipe classes shall be determined according to W.P.C.F. Manual of Practice No. 9 or No. FD-5.
- Pipe thickness shall be calculated on the following criteria:
- | | |
|----------------|------------------|
| Safety Factor | 2.0 |
| Load Factor | 1.7 |
| Weight of Soil | 120 lbs./cu. ft. |
| Wheel Loading | 16,000 lbs. |
- n. All excavations required for the installation of sewer extensions shall be open trench work unless approved by the Superintendent. No backfill shall be placed until the work has been inspected by the City.
- o. Manholes shall be constructed at the end of all lines, at all changes in slope or alignment or at intervals not exceeding 400 linear feet, unless acceptable to the Superintendent, and shall be precast concrete.

- (1) Precast manhole sections shall conform to ASTM C 478; cement shall be Type II with a minimum compressive strength of 4,000 psi.
- (2) Precast base and barrel sections shall have tongue and groove joints, with butyl base joint sealant that permits installation in temperatures from -20°F to 120°F, and meets Federal Specification SS-S-00210.
- (3) Each section of the precast manhole shall have two (2) holes for the purpose of handling and setting. These holes shall be tapered and shall be plugged with nonshrink mortar or grout, in combination with concrete plugs, after installation.
- (4) Pipe to manhole joints shall be Lock-Joint flexible manhole sleeve, Kor-N-Seal joint sleeve, or equivalent.
- (5) Manhole invert bricks shall conform to ASTM C 32, Grade SS, hard brick (made from clay or shale). Precast or field poured concrete manhole inverts are also acceptable.
- (6) Dampproofing for concrete shall be coal-tar epoxy, bitumastic, or Conseal coating, 15 mil minimum thickness, or equivalent.
- (7) Manhole rungs shall be copolymer polypropylene steps reinforced with 3/8" Grade 60 steel rebar throughout. Rungs shall be placed 12" on center in concrete and shall not be subjected to any loads for a minimum of seven (7) days.
- (8) After the manhole excavation has been done and leveled, one (1) foot of bedding materials shall be placed in the bottom of the excavation, leveled and thoroughly compacted.
- (9) Precast concrete manhole sections shall be set so as to be vertical and with sections in true alignment, 1/4-inch maximum tolerance to be allowed.
- (10) The top section of the precast reinforced concrete unit shall be set at a grade that will allow a minimum of one, and a maximum of three, precast concrete risers before setting the cast iron frame and cover.
- (11) The inside and outside of the masonry work of all manholes shall be plastered with a 1:2 Portland cement mortar. The thickness of the mortar shall be one-half (1/2) inch, and the mortar shall be carefully spread and thoroughly troweled, leaving a smooth, substantially water

proof surface. The mortar shall be extended to completely cover the outside and inside surfaces of all masonry work.

- a. Before backfill, all manholes shall be wrapped twice with 6 mill plastic.
- (12) The concrete manholes shall have an invert channel passing through the bottom which corresponds in shape with the lower two-thirds of the pipe. Side inverts shall be curved and main inverts (where direction changes) shall be laid out in smooth curves of the longest possible radius. The top of the shelf shall slope to drain towards the flowing through channel. Where concrete is used for inverts, it shall be 3,000 psi concrete minimum.
 - (13) Manholes shall be constructed as the sections of the pipelines between them are completed, and, unless this is done, the Superintendent shall have the authority to stop trenching and pipe laying until manhole construction is sequenced properly. All groundwater shall be kept away from any newly placed concrete or freshly laid masonry work until new cement has properly set and a watertight job is obtained.
 - (14) All surfaces to be dampproofed shall be clean, smooth, dry, and free from loose material. Dampproofing shall be brushed onto the outside concrete manhole surface to fill all voids. Two (2) coats minimum shall be applied to conform to the covering capacity of the material used in strict accordance with the manufacturer's recommendations. No application of dampproofing in freezing or wet weather shall be allowed.
 - (15) Iron castings for manhole frames and covers shall be the same as used on the City's existing sewer system or equivalent.
 - (a) Manhole frames and covers shall be 26" ductile iron, free from cracks, holes and swells. The quality shall be such that a blow from a hammer will produce an indentation on an edge of the casting without flaking the metal. Frames and covers shall be machine seated and provided with a gasket so as to provide a tight, even fit.
 - (b) Covers shall be solid without perforations and shall have the word "SEWER" cast on the top in three (3) inch high letters. Frames and covers shall be certified as meeting H-20 loading and shall be compatible with existing frames and covers.

- (c) Castings shall be given one (1) coat of cold-tar pitch varnish at the factory before shipment, and said coating shall be smooth, tough and not brittle.
- (d) Frames shall be set concentric with the top of the masonry and in a full bed of mortar so that the space between the top of the manhole's masonry and the bottom flange of the frame shall be completely filled and made watertight. A thick ring of mortar extending to the outer edge of the masonry shall be placed all around and on top of the bottom flange. Mortar shall be smoothly finished and have a slight slope to shed water away from the frame.

Alternate materials for pipe or manholes may be approved for use if, in the opinion of the Superintendent, the resulting construction will be of acceptable standards.

2-555

Leakage in the gravity sewers shall not exceed 100 gals. per in. dia. per day per mile of pipe when tested by either internal pressure or external pressure means. Where ground water is high the Superintendent may elect to accept infiltration measurements in lieu of exfiltration tests. All manholes shall be tested as to water tightness, if required by the Superintendent as follows:

The inlet and outlet of the manhole shall be plugged by watertight plugs and the manhole shall have 4 feet of water placed therein. The water shall remain for sufficient time to allow for absorption into concrete pipe. The amount of water loss from the manhole shall then be determined. The rate shall not exceed 5 gals. per manhole per 24 hours for 4 ft. dia. manholes. All leaks shall be repaired by excavation outside of the manhole if required.

If approved by the Superintendent, a low pressure air test may be used to test the gravity sewers. The test shall be performed using the equipment stated below, according to stated procedures and under the supervision of the Superintendent.

The equipment used shall meet the following minimum requirements:

- (a) Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
- (b) Pneumatic plugs shall resist internal test pressure without requiring external bracing or blocking.

- (c) All air used shall pass through a single control panel.
- (d) Three individual holes shall be used for the following connections:
 - 1.) From control panel to pneumatic plugs for inflation.
 - 2.) From control panel to sealed line for introducing the low pressure air.
 - 3.) From sealed line to control panel for continuously monitoring the air pressure rise in the seal line.

After a manhole to manhole reach of pipe has been back-filled and cleaned, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into the sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any ground water that may be over the pipe. After this stabilization period (3.5 psig minimum pressure in the pipe) the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed acceptable if the time required in minutes for the pressure to decrease from 3.5 to 2.5 psig (greater than the average back pressure of any ground water that may be over the pipe) shall not be less than the time shown for the given diameters in the following table.

<u>Pipe Diameter (inches)</u>	<u>Minutes</u>
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5

In areas where ground water is known to exist its height over the invert of the pipe shall be determined. The height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings (i.e., if the height of water is 11 ½ ft. then the added pressure will be 5 psig). The allowable drop of 1 lb. and the timing remain the same.

All testing of sewer shall be conducted in the presence of the Superintendent. If the installation fails any test, the source of leakage shall be found and repaired and all defective materials shall be replaced.

2-556

All sewer extensions constructed at the property owner's, builder's, or developer's expense, after final approval and acceptance by the Engineer, shall become the property of the City and shall thereafter be maintained by the City. Said sewers, after their acceptance by the City, shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in a form provided by the City. At the sole discretion of the City a completion bond or certified check may be demanded as part of the guarantee.

2-557

No builder or developer shall be issued a building permit for a new building or structure requiring sanitary facilities within the City, unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers.

2-560 USE OF THE PUBLIC SEWERS

2-561

No person shall discharge or cause to be discharged any storm water, surface waste, ground water, roof runoff, subsurface, drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

2-562

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a watercourse approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent, to a storm sewer, or natural outlet.

2-563

Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).

- (b) Any waters or wastes which contain grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32 and 150 degrees Fahrenheit.
- (c) Any waters or wastes containing fats, grease, or oils, whether emulsified or not, exceeding an average of 50 parts per millions (417 pounds per million gallons) ether soluble matter.
- (d) Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid, or gas.
- (e) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by inter-action with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (f) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower or greater shall be subject to the review and approval of the Superintendent.
- (g) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, Whey, chemical residues, paint solids, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.
- (h) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalies must be neutralized at all times, within a permissible pH range of 6.0 to 9.5.
- (i) Any cyanides, in excess of 2 parts per million by weight as CN.
- (j) Any long half-life (over 100 days) of toxic radio-active isotopes, without a special permit.
- (k) Quantities of flow, or concentrations of any wastewater constituent, or both, which would constitute a slug loading or which might hinder, upset, damage or pass through untreated the public sewage works.

- (l) Any storm water, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air conditioning machine or refrigeration unit.
- (m) No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand, high oxygen demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard or violation in the receiving waters or the effluent of the City's Sewage Treatment Plant or contaminate or restrict the final end use of the Sewage Treatment Plant's sludge residuals.
- (n) Waters or wastes containing phenols, or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- (o) Waters or wastes containing substances which are not amendable to treatment or reduction by the waste treatment processes employed, which may inhibit treatment plant processes or sludge quality or disposal, or are amenable to the treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- (p) Any waters or wastes containing color, dissolved solids, or dye which would cause a visible discoloration of the treatment plant's effluent or receiving water.
- (q) Any waters or wastes containing suspended solids, whether inert or organic, which would cause visible turbidity of the treatment plant's effluent or receiving water.
- (r) Any waters, wastes or substance which would cause the treatment plant's effluent to exceed the City's toxicity testing limits as may be required by applicable State or Federal law.
- (s) Any septage or septic process discharge without the express written approval of the Superintendent.

2-564

Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and watertight.

2-565

Where installed, all grease, oil, and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

2-566

The admission into the public sewers of any waters or wastes having:

- (a) a 5-day B.O.D. greater than three hundred (300) parts per million by weight, or
- (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
- (c) containing any quantity of substances having the characteristics described in section 2-563, or
- (d) having an average daily flow greater than two percent (2%) of the average daily flow of the City;

shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- (a) reduce the Biochemical Oxygen Demand to three hundred (300) parts per million, or

- (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or
- (c) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 603, or
- (d) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the Superintendent and of the Department of Environmental Protection of the State of Maine. No construction of such facilities shall be commenced until said approvals are obtained in writing.

2-567

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

2-568

When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control structure in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent.

2-569

All requirements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 2-563 and 2-566 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in Section 2-568, or upon suitable samples taken at said control structure.

2-570

For industrial wastes of unusual volume, strength or character, special agreements shall be required between the City and the industry concerned providing for the acceptance of such wastes in the municipal system.

2-571

All of the preceding standards are to apply to industrial wastes as discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association, for the analysis of industrial wastes may be used subject to mutual agreement between the City Council and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a 24-hour period. However, more frequent and long periods may be required at the discretion of the City Council.

2-580 PROTECTION FROM DAMAGE

2-581

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure appurtenance, or equipment which is a part of the City sewerage works. Such person shall, upon conviction, be subject to the payment of any actual damages incurred by the City or may be otherwise punished as State law provides.

2-582

A Contractor must present a certificate of insurance showing minimum liability coverage of \$1,000,000/\$2,000,000 for bodily injury and a \$300,000 limit for property damage including collapse and underground coverage before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer.

2-590 POWERS AND AUTHORITY OF INSPECTORS

2-591

The Superintendent, the Engineer, and other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement sampling and testing, in accordance with the provisions of this ordinance.

2-592

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

2-593

The Superintendent shall have the authority to set up, on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's waste discharge. The user shall bear the costs of such setup or installation.

The Superintendent may require the user to install monitoring equipment as the Superintendent deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least quarterly to ensure their accuracy.

Users subject to the reporting requirements of the Ordinance shall retain, and make available for inspection and copying, all records or information obtained pursuant to any monitoring activities required by this Ordinance and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements.

2-594

If the Superintendent has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling, or otherwise monitoring compliance with this Ordinance, the Superintendent shall seek to secure an Administrative Inspection Warrant pursuant to M.R.Civ.P. 80E. The warrant, if issued by the District Court, shall be executed pursuant to M.R.Div.P. 80E and the Superintendent shall be accompanied by a uniformed City police officer during said execution.

2-600 SEWER SERVICE CHARGE

2-601

The source of the revenues for debt services, capital expenditures, operation, maintenance, and replacement costs of the public Sewerage Works shall be a sewer service charge assigned to owners of property located within the limits of the city whose residence or place of business is connected to the public sewer system.

Each user shall pay for the services provided by the Sewage Works based on their use of the treatment works as determined by water meter readings.

2-602

Two separate rates shall be determined on an annual basis by the City Council. The first rate shall be for operation, maintenance, and replacement costs. This rate shall be calculated by dividing these total costs by the estimated annual cubic feet of sewerage treated by the Sewerage Works.

The second rate shall be for debt services, capital expenditures and a portion of the balance owed to the General Fund by the Sewer Fund. This rate shall be calculated by dividing these total costs by the estimated annual cubic feet of sewerage treated by the Sewerage Works.

Each user will be billed a minimum charge of 1200 cubic feet, unless usage exceeds this limit.

The sewer service charge will be billed at regular intervals throughout each calendar year, as established by the City Council.

2-603

The Sewer Service Charge assigned to any property owner who contributes a significant quantity of industrial wastes to the public sewers, or who contributes a combination of sewage and industrial wastes to the public sewers, shall be determined on a flat rate structure based on water consumption. The property owners to be charged in this manner will be determined by the City Council on a year to year basis.

2-604

A special Sewer Service Charge shall be assigned to any industrial firm or organization who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity of efficiency of the Sewerage Works or

any part thereof if such waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the requirements of Sections 2-602, 2-603, 2-604, and 2-605. The City Council, after appropriate study, and advice from the Engineer, shall assign a Special Sewer Service Charge to the industrial firm by separate agreement with said firm. The applicable portions of the preceding sections, as well as the equitable rights of the public shall be the basis for such an arrangement.

2-605

The City Council reserves the right, from time to time, to change Sewer Service Charges originally or previously assigned to any property owner.

2-606

All property owners who are outside the City limit who, by their own request, are served by sanitary sewers must pay a sewer service charge established by the City Council.

2-607

Each sewer charge levied pursuant to the ordinance is hereby deemed delinquent if not paid within 30 days after it shall be due and payable and will be subject to interest at a rate set by the City Council annually but not to exceed the highest lawful rate set by the Treasure of State for municipal taxes. Title 30-A M.R.S.A. § 3406

2-608

A sewer lien procedure will be used for the collections of delinquent sewer bills according to Title 38 Sections 1208 et. Seq. M.R.S.A.

2-700 PENALTY

2-701

Any person found to be violating any provision of this Ordinance except 2-581 shall be served by the City with written notice stating the nature of the violation and

providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any such notice shall not be a prerequisite to bringing legal action to enforce any provision of this Ordinance.

2-702

Any person who violates or fails to comply with any provision of this Ordinance shall be subject to civil penalties pursuant to 30-A M.R.S.A 4452. Each day of violation shall constitute a separate offense. Pursuant to 30-A M.R.S.A. 4452 and Rule 80K of the Maine Rules of Civil Procedure, the City may seek reasonable attorney fees, court costs, expert witness fees and costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

2-703

The City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to prevent the occupancy of any building structure or land where a violation of this Ordinance is found, or to restrain, correct or abate any violation of this Ordinance.

2-704

Any person violating any of the provisions of this Ordinance shall be liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

2-710 APPEALS

2-711

Any person aggrieved by a decision of the Superintendent to deny a wastewater discharge permit application, to impose terms and conditions on a wastewater discharge permit, or to revoke or suspend a wastewater discharge permit may appeal any such decisions to the City Manager. An appeal may be taken by filing a written petition with the Clerk within 15 days of the Superintendent's action. The petitions must state the decision that is being appealed and the grounds for the appeal. Failure to submit a timely petition for review shall be deemed to be a waiver of any appeal. The City Manager shall conduct an administrative hearing with 35 days of the receipt of a petition by the Clerk. The City Manager shall conduct the hearing so as to develop an adequate administrative record, and the petitioner shall bear the burden of proof to demonstrate that the Superintendent's decision was unreasonable or contrary to the law. The City Manager

shall issue its written decision within 45 days of the hearing. Any person aggrieved by the decision of the City Manager may appeal the same to Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

2-720 VALIDITY

2-721

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such invalid part or parts.

2-730 EFFECTIVE

2-731

This Ordinance was adopted by the City Council on July 28, 1994 and modified by the City Council on July 10, 2008.

Amended 6/30/2011 2-607 & 2-608

Ordinance Number Assigned: **1995-600**

**CITY OF CALAIS
ADDRESSING ORDINANCE**

Section 1. Purpose

The purpose of this ordinance is to enhance the easy and rapid location of properties for the delivery of public safety and emergency services, postal delivery, and business delivery.

Section 2. Authority

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

Section 3. Administration

This ordinance shall be administered by the City Manager who shall assign road names and numbers to all properties, both on existing and proposed roads. The City Council shall have the authority to give final approval to road names. The Tax Assessor shall be responsible for maintaining the following official records of this ordinance:

- a. A City of Calais map for official use showing road names and numbers.
- b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Section 4. Naming System

All roads in the City of Calais that serve two or more addresses shall be named regardless of whether the ownership is public or private. A road name assigned by the City shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

- a. Similar names - no two roads shall be given the same or similar-sounding (e.g., Beech and Peach, Pine Road and Pine Lane) names,

- b. Each road shall have the same name throughout its entire length.

Section 5. Numbering System

Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin. The following criteria shall govern the numbering system:

- a. All number origins shall begin from the designated center of the City of Calais or that end of the road closest to the designated center. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- b. The number assigned to each structure shall be that of the numbered interval failing closest to the front door or driveway of said structure.
- c. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy. (i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt 2).

Section 6. Compliance

All owners of structures shall, on or before the effective date of this ordinance, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a. Number on the Structure or Residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
- b. Number at the Street Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.
- c. Size and Color of Number. Numbers shall be displayed in a color and size approved for use by the

City Manager and shall be located as to be visible from the road.

- d. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. Interior location. All residents and other occupants are requested to post the assigned number and road name adjacent to their telephone for emergency reference.

Section 7. New Developments & Subdivisions

All new developments and subdivisions shall ~~and~~ be numbered in accordance with the provisions of this ordinance and as follows:

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

Section 8. Effective Date

This ordinance shall become effective as of September 11 , 1995. It shall be the duty of the City, to notify by mail each owner and the Post Office of the new address within thirty days. It shall be the duty of each property owner to comply with this ordinance within 30 (thirty) days of notification. On new structures, numbering will be installed prior to final inspection, if required by local ordinance, or when the structure is first used or occupied, whichever comes first.

Adopted: 8/17/95
Amended:
Repealed:

POOLROOM/ARCADE ORDINANCE

4-111

Subject to the Maine Revised Statutes Annotated and under the authority granted to the City to enact regulations for the prevention of crime and the preservation of good order, all licenses granted the Municipal Officers of the City of Calais for the operation of poolroom/arcades shall be granted subject to the provisions of this ordinances.

4-112

Pool/Arcade: Any establishment with more than five (5) amusement devises on premise.
Amusement Device: Any machine which upon insertion of a certain amount of currency or tokens may be operated by the public for use as a game, entertainment or amusement and which is operated for amusement only and does not dispense any form of payoff, prize or reward except free plays. Pools tables are considered such whether or not they accept currency or tokens.

4-113

It is forbidden to gamble in or about the premise licensed for a poolroom/arcade. The premise shall include all rooms to which the public is admitted and are not necessarily limited to the rooms where the amusement devices are located.

4-114

- A. There shall be no poolroom/arcades established within one thousand (1000) feet of existing licensed poolroom/arcades.
- B. There shall be no poolroom/arcades established within one thousand (1000) feet of any school.

4-115

The windows of any licensed premises shall not be covered or otherwise obstructed twenty-five percent (25%) or more to prevent a clear view from the street.

4-116

Hours shall be clearly posted on the front door. The licensed premise shall be cleared of all persons other than the owner and employees at closing hours and shall be thereafter locked.

4-117

- A. License shall be posted in a conspicuous place.
- B. Police officers of the City of Calais and members of other law enforcement agencies shall be granted entry at all times to inspect the licensed premise and to ensure enforcement of this ordinance and applicable statutes of the State of Maine.

- C. Violation of any provisions of this ordinance or other ordinance of State Statute shall be cause for suspension of the license by the municipal officers of the City of Calais for any period they may determine or revocation of the license as authorized by the laws of the State of Maine.

4-118

Upon complaint against, the licensee shall be given reasonable notice and an opportunity to be heard before action is taken on the complaint.

4-119

The licensee, as well as a manager or managers he employs in the operation of the poolroom/arcade, shall be only those individuals who have reached the age of eighteen years, and are of good character. Any person who has been convicted of or currently is under indictment for any Class A, B, C crime, any larceny, or theft offense, or any gambling crime shall not be granted a license or be permitted to manage a poolroom/arcade.

The employment of the manager shall not relieve the licensee of any responsibility under this ordinance, nor shall the licensee lease or otherwise rent the privilege of using his license to any other person, said poolroom/arcade licenses are non-transferable and personal in nature. For the purpose of the ordinance "Manager" shall be deemed to include any person who is left in charge of said establishment.

4-120

Any poolroom/arcade operated within the City of Calais without the required license shall be subject to a fine of not more than two hundred fifty (\$250.00) dollars each day of operation to be deemed a separate and distinct offense, which sums shall be recovered for the use of the City. Any other violation of the ordinance shall constitute a violation of the poolroom license, and upon complaint by the Chief of Police shall be grounds for the suspension of that license by the City Clerk for a period not to exceed fourteen days. The licensee shall have the right to appeal any suspension to the next regularly scheduled meeting of the City Council, and to seek other legal equitable remedies.

Adopted: June 7, 1997

Amended: April 28, 2005

Repealed:

Ordinance Number Assigned: 2002-100
VOLUNTARY ROAD TOLL ORDINANCE

1. PURPOSE:

The Calais City Council finds that a need for regulation of voluntary road tolls conducted by charitable and non-profit organizations exists for the following reasons:

The conduct of such road tolls of a voluntary nature were previously regulated by Maine State Law which has been discontinued, leaving it up to the municipalities to regulate this activity;

For reasons of safety to persons conducting the toll;

Safety of other traffic using the public streets and minimizing interference with other traffic using the same streets;

There is also a need to restrict this activity to ten days per year because of the flow of both business and vacation traffic through the City.

2. ELIGIBLE ORGANIZATIONS:

Permission to conduct Voluntary Road Tolls with the City shall be granted only to {A} organizations based within the City of Calais which are exempt organizations under the Internal Revenue code and which carry on programs benefiting residents of Calais. {B} to organizations associated with City Departments for extension of their work or {C} to organizations connected to the Schools for the support of academic and athletic programs. Preference may be granted to those groups who have historically been granted permission in the past.

3. PERMIT REQUIREMENT

No Voluntary Road Tolls should be conducted within the City unless the eligible sponsoring organization shall apply for and receive a permit under this ordinance from the City Council of the City of Calais who shall provide the Chief of Police a copy thereof.

4. POLICE DEPARTMENT SUPERVISION AND AUTHORITY

The Police Chief and members of the Police Department shall have full responsibility to supervise the operation of legally permitted road tolls and to prohibit un-permitted road tolls activities.

5. CONDUCT OF ROAD TOLLS

Those conducted by organizations involving minors must ensure that adequate adult supervision must be present at all times.

Persons conducting road tolls shall not signal drivers to stop or otherwise interfere with their travel. They may approach cars only when they have stopped voluntarily to make a donation. Cars not wishing to stop will be allowed to pass without interference.

6. HALTING A ROAD TOLL

The Calais Chief or an officer instructed by him may halt any further road toll activities if the organization conducting it does not follow the rules in its conduct after a cautionary warning.

7. SIGNAGE

Any organization conducting a voluntary road toll shall place proper signage and road cones indicating the location by folding signs with the full name of the organization and words "*Voluntary Road Toll*" in large capital letters at least 5 inches in height, one sign to be set near the traveled portion of the highway between 50 and one hundred feet in each direction from the point where the road toll is conducted. Care should be taken not to block through traffic and drivers of stopped vehicles shall be guided in pulling out into the travel lane after stopping. Persons standing in road will wear safety vests provided by Police Department.

8. PERMITS

Applications for permits shall be submitted on or before the first meeting of January of each year on such form as may be designated by the City Clerk

Each organization shall be granted no more than one permit per year, for no more than two consecutive days. Each permit shall name the contact person for the organization conducting the road toll. All other questions on the application shall be answered fully to permit a decision to be made that the organization is eligible under the terms of this ordinance otherwise it may be refused until so completed. The designated contact person shall have the permit in his or her possession. The permit shall designate the location where the road toll may be conducted and it shall be adhered to strictly.

The Calais Police Chief shall observe the operation of permitted road tolls and shall make reports and suggestions concerning the need for changes or additions to the ordinance for Council consideration.

9. LOCATIONS AND TIMES

Road Tolls will be limited to the hour between 8:00 am and 4:00 p.m. at the following locations:

- A. South Street (Wal-Mart)
- B. North Street (The First)
- C. Main Street (Hardwickes)
- D. Main Street (Library)

No more than five days shall be allowed at any one location. The City Council shall determine how dates and locations shall be allocated among permittees in its sole discretion. The City Manager may select alternate locations for such permits, so long as construction activity continues.

10. TRANSITION

This Ordinance shall take effect thirty days from its adoption. For the year 2002 only, applications shall be filed no later than March 1 for that year.

Adopted:
Amended:
Repealed:

Ordinance Number Assigned: 2002-300
EXCISE TAX REFUND ORDINANCE

Title and Authority:

This ordinance shall be known as the Excise Tax Refund Ordinance of the City of Calais. It is adopted pursuant to the authority created by 36 MRSA § 1482 (7).

Purpose:

The purpose of this ordinance is to provide equitable rebate of a portion of the excise taxes paid to the City of Calais for an annual duration with respect to special mobile equipment as defined in 29-A MSRA § 101 (70), leased by a taxpayer, when the registration for that property has been voluntarily surrendered and its use on the roadways of this state is discontinued within the annual excise tax period.

Procedure:

After the effective date of this ordinance and pursuant to 36 MRSA § 1482 (7), the Excise Tax Collector is directed to prepare for the Treasurer's warrant an excise tax refund check, to be approved by the municipal officers, according to all of the conditions of this section.

- A. The excise tax refund check must be issued in the name of the registrant of the leased special mobile equipment as defined 29-A MRSA § 101 (70) who is on record for paying to the City of Calais the annual excise tax for the equipment leased by the registrant.
- B. The excise tax refund check must not be issued unless the registrant provides sufficient evidence to the tax collector that the registration has been voluntarily surrendered and canceled pursuant to 29-A MRSA § 410. The submission of such evidence shall be considered an application for the excise tax refund check. The application for the excise tax refund check must be presented to the tax collector no later than 30 days after the effective date of cancellation of the registration.
- C. The excise tax check must be made out in an amount that is the percentage of the annual excise tax which was actually paid to the City of Calais on the leased special mobile equipment, which percentage represents the number of full months remaining in the year of the cancelled registration.

Effective Date:

This ordinance shall be effective on and after **March 28, 2002**.

Amended:

Repealed:

DISCHARGE OF FIREARMS ORDINANCE

- I. **Discharge of Firearms Within the Restricted Area.** Except as otherwise provided by law, no person shall discharge any firearm in that part of the City of Calais defined as the “restricted area” in paragraph II below, under the following circumstances:
 - a. A law enforcement officer in the performance of their duty;
 - b. In the legal defense of a person, family, or property;
 - c. At military exercises, funerals, reviews, or memorial events, if no projectile is discharged from the firearm;

- II. **Restricted Area.** The restricted area is defined as the area within the confines of North and South Streets extending to the Saint Croix River, within the confines of North, Union and Main Streets, and within the boundaries of the Calais Cemetery.

- III. **Discharge of Firearms Outside the Restricted Area.** The discharge of firearms outside the “restricted area” must adhere to the Statutes of the State of Maine.

- IV. **Firearm.** A Firearm is defined as a weapon from which a shot is discharged by gunpowder.

- V. **Penalty.** Any person who violates any portion of this ordinance shall be subject to a fine of up to \$250.00 for each offense.

- VI. **Repealing Provision.** All previous Firearm ordinances in conflict with this ordinance are hereby repealed.

- VII. **Severability.** Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Adopted: April 28, 2005

Amended:

Repealed:

ITINERANT VENDOR ORDINANCE

1. No person or organization shall solicit funds from any person by house to house canvass or on the streets of Calais without a permit.
2. The Chief of Police shall issue written permits upon application. Inspection by the Fire Chief or his designated agent, of LP gas tank use and storage is required prior to operation.
3. All solicitation between 8:00p.m.and 9:00a.m. is prohibited.
4. All Solicitors must register names, addresses and references of all those who will be soliciting as well as dates and times of the activity. All solicitors must wear approved identification while soliciting.
5. Denial of a permit must be appealed by the applicant to the City Council within fifteen (15) days of the Chief's decision.
6. Any person in violation of this Section shall be fined not less than \$50.00 and not more than \$250.00. All fines shall be recovered for use by the City.
7. All previous Itinerant Vendor in conflict with this ordinance are hereby repealed.
8. Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Adopted: April 28, 2005

Amended:

Repealed:

PARK USE ORDINANCE

As amended 1/12/2023

Purpose.

The purpose of this ordinance is to regulate the conduct of persons using or occupying the public parks, recreation areas, and public spaces of the City in order to preserve these areas from misuse or destruction and to enhance their use for the members of the public who use the public areas in a reasonable manner.

Definitions.

As used in this chapter, the following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. FOR-PROFIT RETAIL SALES- any retail from which 50% of the profit goes to the vendor.
- B. NON-PROFIT- a corporation designated as a not-for-profit corporation by the United States Internal Revenue Service.
- C. NON-PROFIT RETAIL SALES- any retail sale from which 100% of the profits goes to a non-profit organization.
- D. PARK- any City owned or leased facility listed in §521-4.
- E. SPECIAL EVENT- any event proposed to be held within City parks at which it could reasonably be assume that twenty-five (25) or more persons might gather and participate.
- F. VEHICLE- any conveyance including, but not limited to, an automobile, truck, motorcycle, trail bike, trailer, wagon, snowmobile, bicycle, or watercraft.

4-521 Descriptions of Parks

- A. The provisions of this ordinance shall apply to the following owned parks and recreational areas:
 - a) The Milltown City Park lying between North Street and the Maine Central Railroad.
 - b) The so-called Tot-Lots located on Union Street, on School Street.

- c) The Calais Community Center on Academy Street to include the building and the area around said building.
 - d) The Dicenzo Athletic Complex, Smith Field, DelMonaco Field, batting cages, tennis courts, basketball courts, Little League field, swimming pool, and skate park, any other athletic facilities, and the area immediately surrounding those facilities.
 - e) The Main Street Park at the Triangle and playgrounds at King Street, Union Street, Red Beach, Memorial Park, Dicenzo Athletic Complex, Waterfront Park, Waterfront Walkway and Downtown Park.
- B. The following properties are not considered City parks for the purpose of this ordinance.
- a) Devil's Head
 - b) Nash's Lake
 - c) Pike's Woods

These areas are regulated as Conservation Areas.

4-522

No persons shall remain within any area specified in Section 4-521 between the hours of 10:00 PM and Sunrise in accordance with the legal time standard in effect. However, games already in progress at 10:00 PM will be allowed to be completed, but no games would begin after 10:00 PM.

Hours May Vary- The permitting authority may vary the attendance hours for special activities and special events.

Special Closures- Any section of any park may be declared closed to the public by the City Council, Public Works Director or Chief of Police at any time for any interval of time, either temporarily or at regular stated intervals, by posting suitable signs. No person shall remain in such a closed area.

4-523

Persons shall not climb upon, damage or deface any structure, statuary, fixture, equipment, or property, real or personal, located in the area specified in Section 4-521. Abusive and profane language will not be permitted in said area.

4-524

The provisions of this ordinance shall not be construed to prohibit any lawful, supervised activities conducted with City permission in any of the areas specified herein within the hours state in Section 4-522.

4-525

No persons shall operate any motorcycle, mini-bike, go-cart, or motor vehicle of any kind at any time within the areas specified herein, except the designated parking areas may be used for parking purposes by such vehicles where the occupants are attending activities taking place there as participants or spectators. Such vehicles shall not be operated on any play area or improved athletic area at any time nor shall they be driven on any grassed area within the designated areas at any time. With sufficient snow, snow machines may use the northern edge of the Athletic Complex and the Waterfront Walkway as a trail to the woods.

4-526

The use of the areas specified in Section 4-521 for the drinking of intoxicating liquor, using or possession of illegal drugs, disorderly conduct, or making of unreasonable noise is prohibited. The Calais Police Department and other law enforcement officers shall enforce this provision and any person who refuses to cease and desist promptly from such conduct upon request shall be deemed to be in violation. Anyone found in possession of drugs will be banned from the property. Regarding all City Parks and Playgrounds, the use of tobacco products, including cigarettes, chewing tobacco, electronic cigarettes and vaporizers is prohibited.

4-527 **Lawful Use of Streets and Sidewalks**

Provisions of this ordinance shall not be construed to prevent lawful use of the streets and sidewalks bordering any of the areas specified herein.

4-528 **Penalty**

Whoever violates any provisions of this ordinance shall, upon conviction, be punished by a fine of not less than *twenty-five dollars and not more than two hundred and fifty dollars*, or in the case of damages or defacement pay restitution, to be covered for the use of the City of Calais. Jurisdiction over such offenses shall be in the Maine District Court.

4-529 Littering Prohibited. No person shall deposit rubbish, refuse, garbage or other waste material in a park, except for such waste generated in said park which shall be placed in the receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the parks by the person responsible for its presence.

4-530 Leash Required. No person shall allow a domestic animal to roam in a city park unless restrained by a leash.

4-531 Camping Prohibited. No person shall use any public park, in the City of Calais for the purpose of overnight accommodation or a temporary or permanent abode or habitation, except with the written permission of the permitting authority.

4-532 Improper use. No person shall climb, walk, stand, skateboard or sit on a monument, bandstand, fountain, railing, fence or any other structure not designed for that purpose.

4-533 Obey signs. All persons must obey all signs posted in any park for the protection of property, or the promotion of the health, safety, or general welfare of the occupants of a park or the residents of the city.

4-534 Fires. No person shall build a fire in a park, except as authorized by the permitting authority as part of a special event.

4-535 Special Events. City parks and public spaces will be made available, on a limited basis, for special events subject to the following restrictions:

- A. **Permit Required-** Events sponsored or conducted by the City or School shall be exempt from special event permitting requirements, however any other person or organization which desires to conduct or sponsor a special event at a City park or public space must first apply for and obtain a permit from the permitting authority.
- B. **Permitting Authority-** The Calais City Council shall be the permitting authority for all special events. Although, the Council may, at its discretion, defer permitting authority for any special event to the City Manager or Chief of Police.
- C. **Application Fee-** An application fee or special event will be required of all applicants to cover administrative costs incurred by the City in permitting the special event, said fee to be set from time to time by the City Council.
- D. **Application Form-** Organizations and persons requesting a permit to use any portion of a City Park or public space for a special event must complete an application form for the City Clerk's Office. Partially complete applications will not be considered. Said forms shall include the following information:
 - 1. The name and contact information of the sponsoring person or organization and its officers.
 - 2. The signature of the president, or if the organization has no president, the chief executive officer of the organization.
 - 3. The tax status of the organization.
 - 4. Whether amplified sound will be used.

5. Such Additional information as the Calais City Council feels necessary for determination of compliance with this ordinance and efficient operation of the parks.

E. **Application Review**- The permitting authority shall review and make determination on all applications requesting a permit to use any portion of City parks or public space for a special event.

1. **Application Deadlines**- Applications must be submitted thirty (30) days prior to the date of an event.

2. **Eligible Applicants**- Sponsoring organizations may include but are not necessarily limited to: festival committees, church organizations, charitable organizations, educational organizations and governmental groups. The sponsoring person or organization shall:

- a) Be clearly and correctly identified in the application form
- b) Be a person or non-profit entity whose proposed event will not be for financial profit, except that for profit sales may be permitted at certain major events as provided below, Standards For Approval- The following standards shall be utilized by the permitting authority in reviewing applications for special events.
- c) The permitting authority shall issue a permit if it finds: the application form has been properly completed;
- d) The application fee has been paid;
 - I. The event will not endanger the health and safety of persons who visit the park; adequate sanitary facilities are available or will be provided in the park to accommodate the proposed special event;
 - II. The special event or activity will not cause damage from destruction or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities of the park;
 - III. The special event will not unreasonably disturb persons who occupy land which is in the vicinity to such park or public space; and
 - IV. The portion of the park or public space requested has not been reserved for other use at the time requested in the application.

- e) **Conditional Approval-** When approval the permit, the permitting authority may approve the permit with suitable conditions for the purpose of assuring compliance with this ordinance. Said conditions may include, but are not limited to:
- f) **Location-** designating the park or the specific area within a park or public space where the special event shall be allowed to take place, even if this is a location different than that requested by the applicant.
- g) **Restrooms-** requiring a minimum number of portable restrooms based on the expected attendance and duration of the special event.
- h) **Street closure requirements-** Applicant to be responsible for additional cost incurred by the city.
- i) **Alcoholic Beverages-** Applicant must obtain alcohol insurance and list City of Calais as additional insured on liability policy.
- j) **Security-** Applicant to be responsible for costs of additional security.

- F. **Denial-** The permitting authority shall deny any special event permit application if the permitting authority determines that:
1. The special event will not be held in compliance with this ordinance.
 2. The applicant has violated this ordinance within twelve (12) months prior to the date of the application.

Any denial must be in writing and clearly explain the reasons for which the application was denied.

- A. **Appeal-** Any person who is aggrieved by the City Council's issuance of a special event permit or the City Council- failure or refusal to issue a special event permit may appeal the Council's decision to the City Council by written request filed with any City Clerk within thirty (30) days of the decision. The City Council shall:

1. Hear the case in not less than ten (10) days, nor more than thirty (30) days of receipt of the application,
3. Advertise the hearing at least once in a newspaper of general circulation in the City,
4. Provide the applicant and, the public with an opportunity to be heard,
5. Make findings of fact and issue a written decision within thirty (30) days of the close of the hearing.

G. **Noise-** Amplified sound may be allowed by special event permit in City parks or public space. However:

1. The need for amplification must be identified on the permit application.
2. The sound shall not unreasonably disturb the peace of homeowners and businesses located adjacent to or in the neighborhood of the parks.
3. The applicant must comply with any Calais police officer's request to reduce the noise to a level acceptable to the police officer, in his sole judgment.

H. **Weather cancellation-** if any special event held during inclement weather will likely cause injury or damage to City Parks or public spaces, the Public Works Director may cancel the event due to inclement weather or forecasted inclement weather.

I. **Cleanup-** The sponsoring person or organization shall return the park to the condition it was in prior to the special event. The sponsoring person or organization will be billed by the City for any damages incurred beyond normal wear and tear and shall pay the full amount of the invoice within thirty (30) days of the billing date. Any invoice remaining unpaid after thirty (30) days may be collected in a court of law. In addition, no future special event may be scheduled until the account is cleared.

J. **Compliance-** The sponsoring person or organization shall comply with all conditions of any permit granted.

- K. **Use of public are for habitation-** No persons shall use or permit to be used any public thoroughfare, public street, park, cemetery, public land or any other public place in the City of Calais for the purpose of overnight accommodation or a temporary or permanent abode or habitation, except with the written permission of the City Council of the City of Calais.
- L. **Obstruction of traffic-** No person or persons shall congregate or remain in any public street, public thoroughfare, public sidewalk, public park, or any other public place in the City of Calais in such a manner as to obstruct the flow of pedestrian or vehicular traffic, except that parades and special events may be held with the written permission of the City Council.
- M. **Severability-** If any provision of this ordinance or the application thereof is held invalid, this invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this ordinance are severable.

Adoption of this ordinance replaces the previously adopted City of Parks Control Ordinance, Memorial Park Ordinance, and Swimming Pool Ordinance.

4-536 to 4-539 Reserved

Adopted: April 28, 2005
Amended: January 12, 2023
Appealed:

CITY OF CALAIS
RESTRICTING VEHICLE WEIGHT ON POSTED ROADS
ORDINANCE

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to city ways and bridges in the City of Calais which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. §3009 and 29-A M.R.S.A. § §2395 and 2388.

Section 2. Definitions

The definitions contained in Title 20-A M.R.S.A. shall govern the construction of words in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

The municipal officers or their designee may, either permanently or seasonally, impose such restriction on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way.

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and

replaced with new notices. No person may remove, obscure, or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

The following vehicles are exempt from this regulation:

- A. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
- B. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools, or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment. It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.
- C. City of Calais highway maintenance vehicles engaged in emergency maintenance including snow and ice removal of public highways.
- D. Passenger cars, pickup trucks, emergency vehicles, school buses, a wrecker towing a disabled vehicles of legal weight from a posted highway, and vehicles with three axles or less under the direction of a public utility and engaged in plant maintenance or repair.
- E. Any vehicle transporting home heating fuel (oil, gas, coal, stove size wood) to a private consumer, gasoline, groceries, bulk milk, bulk feed, solid waste, rubbish, animal bedding or medical gases in accordance with a permit issued by the Maine DOT under 29-A M.R. S.A. §2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A. §2395 (4).
- F. Municipal Officers or their designee, at their discretion and in extraordinary circumstances, may allow heavy loads over posted roadways involving singular, nonrecurring moves. Such permission shall be made in writing and shall accompany the vehicle at all times.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers or their designee for a permit to operate on a posted

way or bridge notwithstanding the restriction. The municipal officers or their designee may issue a permit only upon all of the following findings:

- (a) no other route is reasonably available to the applicant;
- (b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
- (c) the applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same. The permit holder may acknowledge that he or she will be responsible for the repair of any damage which occurs due to the permitted activity as an alternative to posting a bond.

Even if the municipal officers or their designee make the foregoing findings, they need not issue a permit if they determine the applicant's use of way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality, They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highway and bridges.

In determining whether to issue a permit, the municipal officers or their designee shall consider the following factors:

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

The municipal officers or their designee may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee.

Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments

This Ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

Adopted: April 24, 2008

Amended:

Repealed:

CEMETERY ORDINANCE

4-601 Introduction

This ordinance is for the purpose of regulating the operation and use of public cemeteries in the City of Calais and shall be known as the "Calais Cemetery Ordinance".

4-602 Application

The provisions of this ordinance shall apply to the Calais Cemetery of South Street and the Red Beach Cemetery on U. S. Route One in the Section of Calais known as Red Beach. The City Council may extend its application to other public burial grounds or any additions to existing cemeteries as it may deem appropriate.

4-603 Supervision

Said cemeteries shall be used exclusively for the burial of the dead and shall be under the supervision of the City Manager and a committee of the City Council, namely the Property Committee, consisting of three members, whose duties it shall be to supervise the expenditures of such sum of money as may from time to time be appropriated or received by the City for the care, management and improvement of said cemeteries, and who shall have the general supervision of all matters pertaining to the management of same.

4-604 Cemetery Plans

All extensions of said cemeteries shall be surveyed and laid out in lots, driveways, and paths, to conform as nearly as may be to the general plans of the said cemeteries as they now exist, and no part of said cemetery or cemeteries shall be used for burial purpose until such part shall have been surveyed and an accurate plan of the same made. The lots shall be numbered consecutively, and the subdivisions of the lots shall be marked by letters; each part into which a numbered lot is subdivided shall be known as a single lot. The plan of said cemeteries shall be marked so as to designate the person or family to whom each is assigned, and the location of each grave in each lot shall be marked and the name of each person interred written thereon. Said plans shall be kept on file at the City Clerk's office and tracing of said plans shall be furnished to the Superintendent of Cemeteries for his use. A complete index of said plans shall be made, showing the holder of each person interred. The City Engineer, or if none, the Superintendent of Cemeteries shall annually, at the close of the municipal year, mark on the plans in the City Clerk's office, the lots assigned during the year and the location of each interment made as recorded by the Superintendent and enter the same in the index to said plans. All records of said cemeteries now in existence shall be filed with the City Clerk for safe keeping.

4-605 Lot Sale

Persons may purchase lots in any public cemetery in Calais. Lot fees to be charged shall be fixed by the City Council and may be changed from time to time as the Council may determine. The sale of lots shall be subject to such rules and regulations as may be recommended by the Property Committee and adopted by the City Council.

Accurate records of all such sales shall be maintained by the Superintendent and permanently filed in the Office of the City Clerk.

4-606 Use of Lots

The Holders of such cemetery lots are subject to all rules and regulations that may, from time to time, be adopted for the management and use of the cemetery. The payment for a fee for a cemetery lot shall not be construed as the sale and conveyance of a fee title in the lots but rather shall grant to the purchaser a right of use of the lot for burial purposes, subject to such ordinances, rules and regulations as the City may have previously adopted or approved and promulgated now and in the future.

4-607 Perpetual Care

Persons are required to enter into perpetual care agreement for lots purchased by them and shall deposit with the City Treasurer a sum to be set by the city Council for time to time, which sum shall be accepted in trust, the income therefrom to be expended from time to time for the care and improvement of said lot forever. Said sums as previously paid or as received hereafter shall be known as the Cemetery Trust Fund. These funds, as pooled together, shall be invested in a reasonably prudent manner, subject to applicable Maine law, and the net income annually expended the care and maintenance of perpetual care lots in accordance with the terms of the Ordinance and the Perpetual Care Agreement.

4-608 Definition of "Care"

"Care" perpetual, shall include the cutting of grass upon the lot at reasonable intervals, the raking and cleaning of the lots and such works as may be necessary to keep the grave in a neat condition, and for the care and maintenance of the cemetery, but shall not include maintenance or repair of monuments, not the planting of flowers or shrubs upon any lot, not the repairs necessitated by any acts of vandalism. Any holder of a lot shall not plant trees or shrubs, or flowers and shall not in any manner encroach upon the driveway and walk on any adjoining lot. Potted and artificial plants and flowers are allowed but must be removed each year by October 1 or they shall be removed by the cemetery crew and disposed thereof. The City does not accept legal responsibility for the care, restoration and maintenance of monuments, gravestones and markers which shall be installed and maintained only on permanent masonry or approved cement blocks.

4-609 Appointment of Superintendent

The Superintendent shall be appointed by the City Manager with the approval of the City Council. He or she shall hold office until the removal by the City Manager. His duty shall be to superintend the digging of all graves, the burial of all bodies from said cemeteries, or from place to place in said cemeteries, he shall, under the direction of the City manager and Committee on cemeteries, have the supervision and care of all cemeteries and receiving tombs, of all work, improvements and repair therein and shall see that such regulations, pertaining to the same, as shall from time to time be prescribed by the City Council, are faithfully observed and carried out. He shall have the care and custody of all machines, tools and implements used in the burial of the dead cemetery

which may belong to the City and shall keep the same, safely, in suitable places and in good order and repair.

4-610 Grave Requirements

All graves, including for cremation remains, shall be dug and properly backfilled by or under the supervision of the Superintendent. No other person is permitted to perform such tasks except under the supervision of the Superintendent or his authorized representative. All burials, except for cremation remains, shall be in a casket and a vault constructed of a durable material excepting wood.

6-611 Cemetery Access

Access to the public cemeteries shall be limited to such reasonable hours as may be set from time to time by rules and regulations and where gates are provided, shall they shall be locked to bar public access at all other times. The use of cemetery streets and roadways by vehicle shall be similarly regulated and may be completely prohibited in all or part of any public cemetery where conditions of weather and ground may require such action for reasonable period of time. Such emergency action may be taken by the Superintendent with the approval of the City Manager.

6-612 Reporting and Records

The Superintendent shall have the responsibility of accurately recording all interment and shall further report all such data to the City Clerk who shall maintain the permanent records relating to cemeteries and all interments therein in the Clerk's Office. The City Clerk shall also maintain and preserve the Perpetual Care Agreements and all permanent records pertaining thereto.

4-613 Payment of Fees and Charges

All fees, charges and perpetual care deposits shall be paid to the City Treasurer for appropriate disposition and the furnishing of official receipts to the persons making such payments.

4-614 Prohibited Conduct

The following specified behavior and conduct by any person is prohibited at all times within any public cemetery of the City of Calais:

- (a) No person shall consume any intoxicating liquor while in such place.
- (b) Disorderly conduct, including but not limited to, the creation of disturbances, the making of loud noises, the use of obscene or profane language and the interference with or annoyance of other persons who are present in said cemetery for funeral, committal or memorial services or for the purpose of visiting grave sites is forbidden.
- (c) No person shall hunt wild animals or birds within or from public cemeteries and no person shall discharge firearms or air rifles or pistols while within such cemeteries for purpose.

- (d) During the hours of closing, persons have no lawful purpose to remain there and shall leave immediately upon the request by a police officer or other duly authorized law enforcement officer.
- (e) No person shall willfully damage, injure, deface or carry away any fence, gate, ornamental tree, shrub, marker, flag, flag holder, urn, vase or other improvement, including also improved and build-up grave sites, and the materials used or to be used for such improvement.
- (f) No person shall allow a domestic animal to roam a public cemetery unless restrained by a leash.
- (g) No person shall fail to immediately remove and lawfully dispose of any feces left in a cemetery by a dog under his/her control unless a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this section.

4-615 Schedules

All schedules of fees, charges and deposits, referred to in this ordinance and as the same may be adopted and changed by the City Council, are made a part thereof.

4-616 Calais Property Committee

The Calais Property Committee, with approval of the City Council, shall have the authority to promulgate and issue rules and regulations pertaining to cemetery maintenance, operation and administration, subject to the provisions of Section 4-603 above.

4-617 Penalties

Any person found guilty of violating Section 4-614 of this ordinance shall be subject to a fine of not more than \$50.00 for the first offense and not more than \$100.00 for each subsequent offense, to be reserved for the use of the City of Calais.

Adopted: 6-10-2010

Amended: 2-10-2022

Repealed:

Ordinance Number Assigned: 2011-500
SPECIAL EVENTS PERMIT ORDINANCE

Title

This Ordinance shall be known as the City of Calais, Maine “Special Events Permit Ordinance”.

Purpose

The purpose of this Ordinance is to provide the City of Calais with a mechanism for regulating the dates, times, location and conditions under which permittees are authorized to make use of City Property in a manner which is consistent with public health, safety and welfare and which promotes the use of City Property for special recreational, entertainment, or charitable events.

Definitions

For purposed of this Ordinance, the following definitions shall apply:

1. Special Event shall mean any event, sponsored by an individual, corporation, partnership or other entity or organization intended primarily for recreational, entertainment or charitable purposes, which requires the use of City Property of the City of Calais, Maine.
 - a. Minor Event shall mean an event not exceeding four hours in duration and/or anticipate less than 100 people affiliated with the event. (i.e. wedding ceremony; etc.)
 - b. Major Event shall mean an event exceeding four hours in duration and/or anticipate more than 100 people affiliated with the event. (i.e. community festival; carnival; street dance; charitable walk for a cause) Also, a major event clearly involves additional city services (i.e. police protection; more than one vendor needing electrical usage; etc.)
2. City Property shall mean any land owned by the City of Calais, Maine including but not limited to parks and streets.

Special events permit required

All special events applications will be reviewed and interpreted as a major or minor event by the City Manager, City Clerk, Police Chief, Fire Chief and other appropriate department managers. No person may conduct a Major or Minor Special Event on City Property without a Special Events Permit issued by the Calais City Council pursuant to this Ordinance.

Special events permit application

Each Special Events Permit Application shall be submitted to the City Clerk no earlier than six (6) months prior to the proposed special event and no later than thirty (30) days prior to the date of a minor event and four (2) months prior to the date of a major event unless waived by the city council. The application shall be on a form provided by the city and shall include, at a minimum:

1. Dates and times of event.
2. Description of the event.

3. Designated areas of City Property to be affected.
4. Estimated number of people attending event.
5. Evidence of liability insurance.
6. Plan for after function clean up.
7. Plan for dealing with traffic, parking, and crowd control.
8. Need for sanitary facilities for the event.
9. List of proposed vendors, if any at the event.
10. Need for city services, utilities, etc. for the event.
11. Whether amplified sound will be used.
12. Such additional information as the Calais City Council feels necessary for determination of compliance with this ordinance and efficient operation of city property.
13. Show proof of all State licensing and permits.

Council may waive application submission deadlines upon showing of good cause.

Criteria for issuance of special events permit

In considering whether to issue a Special Events permit, the City Council shall consider:

1. Whether the proposed Special Event is consistent with the goal of promoting use of City Property for recreational, entertainment or charitable events.
2. Whether the proposed Special Event can be conducted in the location proposed without endangering public health and order of the city property by
 - a. Has provided adequate traffic control for the event.
 - b. Has provided adequate crowd control for the event.
 - c. Has adequate liability insurance.
 - d. Has made arrangements for clean-up of the property following the event.
 - e. Does not pose a burden on municipal services or utilities.
 - f. Does not have an undue adverse effect on neighboring properties due to noise, litter or other negative features.

Penalties

Any person who violates any provision of this Ordinance or who fails to comply with terms of a Special Events Permit commits a civil violation and shall be subject to a penalty not to exceed \$500.00. Penalties may include monetary amounts for recovery of police services, trash removal or property damage of public property. Each day such violation continues or is repeated by the same person shall constitute a separate violation. All penalties collected hereunder shall enure to the City of Calais.

General

1. No rights created

This ordinance grants no rights to and creates no property or other legal interest in any person. The City Council retains full control over City Property and may at its sole and exclusive discretion issue, issue with conditions or deny Special Events Permits. Decision of the City Council under this Ordinance shall be final, and this Ordinance provides no right of appeal.

2. City not liable

The holder of a Special Events Permit shall be solely responsible for conducting the Special

Event in compliance with the conditions of the Permit and for maintaining public safety and order during the Special Event. The City of Calais assumes no liability or responsibility by issuing the Permit.

3. Conflict with Other Ordinances

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other statute, rule, ordinance, regulation, by-law, permit or other legal requirements. Where this Ordinance imposes a greater restriction upon the use of City Property, the provisions of this Ordinance shall prevail.

4. Validity and Severability

Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not invalidate any other section or provision of this Ordinance.

5. Exemptions

This Ordinance shall not apply to any event sponsored, organized or conducted by any department or agency of the City of Calais. Scheduling of such municipal events shall be subject to the control of the City Council or their designee for events held on City Property.

6. Effective Date

The effective date of this Ordinance is the date of its enactment by the City Council of Calais.

Adopted: City Council June 30, 2011

Effective: July 31, 2011

Amended: August 15, 2013

Effective: September 14, 2013

Repealed:

CITY OF CALAIS

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, "An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act"; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy ("PACE") Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ 1 Purpose

By and through this Chapter, the City of Calais declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City of Calais. The City of Calais declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

§ 2 Enabling Legislation

The City enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature --"An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act" (codified at 35-A M.R.S.A. §10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

§ 3 Title

This Ordinance shall be known and may be cited as "the City of Calais Property Assessed Clean Energy (PACE) Ordinance" (the "Ordinance")."

§ 4 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

1. **Energy saving improvement.** "Energy saving improvement" means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
 - A. Will result in increased energy efficiency and substantially reduced energy use and:
 - (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
 - B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
2. **Municipality.** "Municipality" shall mean the City of Calais.
3. **PACE agreement.** "Pace agreement" means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4. **PACE assessment.** "PACE assessment" means an assessment made against qualifying property to repay a PACE loan.
5. **PACE district.** "Pace district" means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality's boundaries.
6. **PACE loan.** "PACE loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8. **PACE program.** "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

9. **Qualifying property.** "Qualifying property" means real property located in the PACE district of the Municipality.

10. **Renewable energy installation.** "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. **Trust.** "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

1. **Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.

2. **Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV - CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. **Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V - PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A.

§10154(2)(A)(2) and (B), the Municipality Will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;

ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;

iii. the Trust, or its agent, will disburse the PACE loan to the property owner;

iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

v. the Trust, or its agent, will be responsible for collection of the PACE assessments;

vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;

vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality Will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. **Liability of Municipal Officials; Liability of Municipality**

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Adopted: April 12, 2012

Effective: May 12, 2012

Amended:

Repealed:

CONSUMER FIREWORKS ORDINANCE

SECTION I: Purpose

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the City of Calais and of the general public.

SECTION II: Title and Authority

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

SECTION III: Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer Fireworks – "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Livestock – "Livestock" shall mean any domesticated farm animal, including poultry.

Livestock Zone – "Livestock Zone" shall mean any area within 1500 feet of a facility where livestock is being raised or boarded

Urban Area- The Urban Area of the City of Calais shall be defined as the area from Magurrewoc to the Golf Course and including an area extending from 200 feet off of Main, Franklin, Palmer, Manning, Cemetery, South, School, Fowler, Boardman, and Baring Streets to the St. Croix River.

SECTION IV: Use of Consumer Fireworks Restricted in Urban Area

The use of Consumer Fireworks outside of the Urban Area shall follow the laws of the State of Maine, except that the use of consumer fireworks in any livestock zone shall be prohibited.

A. The City of Calais shall permit the use of consumer fireworks in the Urban Area with the following conditions:

1. A person shall not use, display, fire, or cause to be exploded consumer fireworks within the Urban Area of the City of Calais or in or from any watercraft within waters of the City except on the following days and during the following times:

- a) Friday and Saturday nights beginning at sunset and ending at 10 p.m.
- b) July 4th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;
- c) July 3rd and July 5th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day when July 3rd or July 5th fall on a weekend;
- d) December 31st, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;
- e) January 1st, beginning at 9:00 a.m. and ending at 9:00 pm;

2. The use, discharge or ignition of fireworks is prohibited on all public property, including public parks, public rights of way, and school department property;

3. The use, discharge or ignition of fireworks is prohibited on any day specified by the Fire Chief as presenting a high fire danger as identified by posting such designation on the City's website;

4. The use, discharge or ignition of fireworks shall not be permitted in close proximity to any buildings by maintaining a minimum distance of 50 feet from any combustible structure;

5. The use of fireworks must be approved by the owner of the property where they are to be used;

6. Clean up of debris left from the use, discharge or ignition of fireworks shall be the responsibility of the person(s) who used, discharged or ignited said fireworks;

7. The use of fireworks will be permitted only when burn permits are being issued by the Fire Department; and

8. The use of consumer fireworks in any livestock zone shall be prohibited.

SECTION V: Violation and Enforcement

A. PENALTY FOR VIOLATION: Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the

City of Calais for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

B. ENFORCEMENT: This Ordinance shall be enforced by the City of Calais Police Department or the Calais Fire Chief or his designee.

C. INJUNCTION: In addition to any other remedies available at law or equity, the City of Calais, acting through its City Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

D. SEIZURE & DISPOSAL OF CONSUMER FIREWORKS: The City may seize consumer fireworks that the City has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

SECTION VI: Exceptions

This Ordinance does not apply to a person or group of persons issued a fireworks display permit by the City of Calais pursuant to the State of Maine Law in accordance with 8 M.R.S.A. §§ 227-A to 237 or federal law or regulation.

SECTION VII: Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Note- Respecting your neighbors and showing courtesy to others should be considered before using fireworks. Sometimes the lack of consideration of a few causes the creation of regulation that unnecessarily impacts all.

ADOPTED: 09/25/14

AMENDED: 07/31/15

REPEALED:

Ordinance Number Assigned: **2015-800**
BUILDING AND PROPERTY MAINTENANCE ORDINANCE
CITY OF CALAIS, MAINE

SECTION 1. PURPOSE/SCOPE: The purpose of this ordinance is to establish minimum standards for the condition and maintenance of the exterior of all buildings and structures and the premises surrounding said buildings and structures.

SECTION 2. MAINTENANCE REQUIRED: All buildings and structures, and all parts thereof, shall be maintained in a safe, sanitary and non-hazardous manner. All means of egress shall be kept in good working order and clear of debris. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance insuring that the property itself may be preserved safely, and that hazards to the public health, safety and welfare are avoided.

Violations of this ordinance are established when it is demonstrated that conditions found contrary to this ordinance create a risk to public health, safety and welfare.

SECTION 3. MAINTENANCE STANDARDS/BUILDINGS AND STRUCTURES:

1. Each property owner or mortgagee shall keep all exterior components of every principal and accessory structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, down spouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors, and storefronts.
2. All surfaces shall be maintained free from deterioration, including but not limited to, broken glass, loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.

SECTION 4. MAINTENANCE STANDARDS/PREMISES AND YARD AREAS:

1. All premises and yard areas shall be maintained in a safe and sanitary condition, including but not limited to, steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced, or removed.
2. All fences, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair.
3. Weed and grass shall be kept from becoming overgrown.

4. All yards or lots shall be kept free of accumulations of trash, garbage, refuse, junk, or other material which may cause a fire hazard or may act as a breeding place for vermin.

SECTION 5. ENFORCEMENT: The Code Enforcement Officer of the City of Calais shall enforce the provisions of this ordinance.

In the event of a violation, the Code Enforcement Officer shall notify the property owner or mortgagee, serving a written notice by certified mail or by hand deliver. Said notice shall explain the nature of the violation and allow no more than 30 days from the date of the receipt of the notice to correct the violation. If the violation is not corrected within the required time allowed, the property owner or mortgagee shall be subject to penalties as set forth in section 6.

SECTION 6. PENALTIES: Any person who violates any provision of this Ordinance commits a civil violation punishable by a civil penalty of \$25 for each day the violation continues beyond the allotted correction period as referenced in Section 5. In addition, the City may pursue all remedies and relief available at law and/or in equity, including without limitation the remedies and relief provided 30-A MRSA 54452.

SECTION 7. SEVERABILITY: If any section, subsection, clause, paragraph, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 8. AUTHORITY: This Ordinance is adopted as a local building code ordinance pursuant to 30-A MRSA 53001 and 30-A MRSA 5 3007 (2)

SECTION 9. EFFECTIVE DATE: This Ordinance shall be effective upon adoption by the City Council of the City of Calais pursuant to City Charter authorization.

ADOPTED: October 8, 2015 By the City Council of the City of Calais

AMENDED:

REPEALED:

DISRUPTIVE PROPERTY ORDINANCE

2-1. Purpose

The purpose of this ordinance is to protect the health, safety, and welfare of the residents of the City of Calais by eliminating the proliferation of properties harboring occupants who disturb the peace and tranquility of their neighborhoods.

2-2. Legislative Findings

The City Council hereby finds that:

- A. The City has a substantial and compelling interest in protecting the health, safety, property, and welfare of its citizens and the neighborhoods affected by chronic unlawful or nuisance activity.
- B. Chronic unlawful or nuisance activity of various kinds on and near disruptive properties adversely affects the health, safety and welfare of citizens and diminishes the quality of life in neighborhoods where this chronic activity occurs. Chronic unlawful or nuisance activity constitutes a public nuisance and should be subject to abatement.
- C. The existing ordinances and enforcement processes do not adequately control chronic unlawful or nuisance activity or its detrimental effects on citizens and neighborhoods where such chronic activity occurs.
- D. Establishing the regulatory scheme contained herein will alleviate the problems created by chronic unlawful or nuisance activity through early intervention by the Chief of Police.

2-3. Scope

This ordinance shall apply to the owner(s) of all residential property as defined in § 2-4, located in the City of Calais.

2-4. Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

DISRUPTIVE ACTIVITIES – Situations created, originating, or conducted within a building or within the boundaries of the property on which a building is located by the owner, owner's employees, owner's representatives, occupants, tenants, or customers thereof, or the visitors to any such owner, occupant, tenant, or customer, which would unreasonably disturb the community, the neighborhood, or ordinary individual of normal sensitivities at or beyond the property line, including but not limited to:

- A. Loud Music;
- B. Boisterous gatherings;
- C. Excessive, loud or unnecessary audible noises beyond the property line;
- D. Altercations occurring on the property, such as fighting, disruptive conduct, brawling or similar activities;
- E. Other similar activities occurring within or outside any building located on the property.

DISRUPTIVE EVENT NOTICE – A document summarizing the findings of the officer investigating a complaint or the officer's observations. The notice shall contain the time, the property identification, the identification of the police officer, basis of the complaint or observations, citation of this ordinance and identification of the provisions violated and other items deemed appropriate by the Police Chief.

DISRUPTIVE EVENTS – Any twenty-four hour period commencing at noon and ending at noon the following day during which a police officer observes or the Police Department receives one or more complaints of a disruptive activity to which the Police Department responds and substantiates that a disruptive activity has occurred as outlined in § 2-4. Of this ordinance. The Police Chief shall, after review of all relevant information, determine whether a disruptive event has occurred.

DISRUPTIVE PROPERTY – Any residential property for which the Police Chief has notified the owner that the Police Department has documented and substantiated either two or more disruptive events within 60 days; three or more disruptive events within 120 days; or four or more disruptive events within 180 days; or five or more disruptive events within 360 days.

OWNER – Any person, including any legal entity, having the right of legal title or the beneficial interest in a residential property or any portion thereof, as that interest is recorded in the tax records of the City of Calais or the Registry of Deeds of Washington County.

POLICE CHIEF – The acting Chief of Police of the City of Calais or other official of the Police Department as may be designated by the Police Chief.

RESIDENTIAL PROPERTY –

A. Shall mean:

- (1) Lot(s), plot(s), or parcel(s) of land on which a residential building(s) or a building(s) of mixed occupancy is located; or
- (2) Residential building(s), including one-family dwelling(s), multiple dwellings, and rooming houses or boarding houses; or
- (3) Residential occupancies in buildings(s) of mixed occupancy

B. For purpose thereof, a “mixed occupancy building” means a building used for any purpose that also contains residential occupancy therein.

2-5. Declaration of Public Nuisance

- A. A disruptive property is hereby declared to be a public nuisance.
- B. The owner of a residential property shall provide sufficient control, oversight, monitoring, and management of the property to prevent the same from becoming a disruptive property.
- C. The owner of a disruptive property shall be responsible for taking all necessary measures to abate or eliminate the public nuisance.

2-6. Disruptive property prohibited

No owner of residential property shall maintain, or allow to be maintained or to exist on the owner’s property, a disruptive property as defined in this ordinance. Each and every day that a disruptive event shall be permitted to occur on the property after it becomes classified by the Chief of Police as a disruptive property shall constitute a separate offense.

2-7. Documentation and substantiation of complaints

The Police Department shall document all responses to observations or complaints of disturbance or disruptive activities. In the absence of a complaint, an officer may investigate a disruptive activity based upon the officer’s own independent observation. The officer(s) responding to a disturbance complaint of the officer’s own observation shall, at the officers sole discretion, classify each incident as either a substantiated

disruptive activity or as an unsubstantiated complaint or observation. The officer(s) shall identify all properties that are the object of the complaint or observation. The officer shall issue a verbal and/or written warning to any person observed by the officer to be present at the property that is the object of the complaint or observation advising them to cease any further disruptive activity on the property. The responding officer(s) need not identify a single individual associated with the complaint or observation at the property.

2-8. Notice of disruptive events or disruptive property

A. Whenever a Police Chief determines that a disruptive event has occurred, the Police Chief shall notify the owner of the property as to the Chief's finding according to the number and frequency of prior disruptive events, if any, as provided below.

(1) First disruptive event. At the earliest time possible, but within not more than seven days after the first disruptive event at the property, the Police Chief may serve the owner with a copy of this ordinance and a disruptive event notice advising the owner that the Police Department has documented the occurrence of a disruptive event at the owner's property. Copies of the disruptive event notice shall be provided to City Council members, the City Manager, Code Enforcement Officer and the Fire Chief. The notice shall also advise the owner that subsequent events will result in the property being classified as a disruptive property, and warn the owner that failure to prevent the property from becoming a disruptive property will constitute a violation of this ordinance.

(2) Second disruptive event. At the earliest possible time, but within not more than seven days after the second disruptive event at the property, the Police Chief may serve the owner with a copy of this ordinance and a disruptive event notice advising the owner that the Police Department has documented a second disruptive event at the owner's property. In the event that the property has accumulated at this time two disruptive events within a sixty-day period, the Police Chief shall further notify the owner that the property has been classified a disruptive property and that the owner is in violation of this ordinance and is subject to a remediation process as set forth in § 2-9 of this ordinance. Copies of the disruptive event notice shall be provided to the City Council members, the City Manager, Code Enforcement Officer and Fire Chief.

(3) Third disruptive event. At the earliest possible time, but within not more than seven days after the third disruptive event at a property, the Police Chief may serve the owner with a copy of this ordinance and a disruptive event notice advising the owner that the police department has documented a third disruptive event at the owner's property. In the event that the property has accumulated at this time three disruptive events within a one-hundred-twenty-day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of the ordinance and is subject to a remediation process as set forth in § 2-9 of this ordinance. Copies of the disruptive event notice shall be provided to City Council members, the City Manager, Code Enforcement Officer, and the Fire Chief.

(4) Fourth disruptive event. At the earliest possible time, but within not more than seven days after the fourth disruptive event at a property, the Police Chief may serve the owner with a copy of this ordinance and a disruptive event notice advising the owner that the police department has documented a fourth disruptive event at the owner's property. In the event that the property has accumulated at this time four disruptive events within a one-hundred-eighty-day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of the ordinance and is subject to a remediation process as set forth in § 2-9 of this ordinance. Copies of the disruptive event notice shall be provided to City Council members, the City Manager, Code Enforcement Officer, and the Fire Chief.

(5) Fifth disruptive event. At the earliest possible time, but within not more than seven days after the fifth disruptive event at a property, the Police Chief may serve the owner with a copy of this ordinance and a disruptive event notice advising the owner that the police department has documented a fifth disruptive event at the owner's property. In the event that the property has accumulated at this time five disruptive events within a three-hundred-sixty-day period, the Police Chief shall further notify the owner that the property has been classified as a disruptive property and that the owner is in violation of the ordinance and is subject to a remediation process as set forth in § 2-9 of this ordinance. Copies of the disruptive event notice shall be provided to City Council members, the City Manager, Code Enforcement Officer, and the Fire Chief.

B Method of service. For the purposes of this section, notices to the owner shall be served in the following ways:

- (1) By certified mail, with address correction and return receipt requested and by first-class mail with address correction requested; or
- (2) In a manner requested in writing by the property owner and by first-class mail with address correction requested.

2-9 Remediation process.

- A. Once a property has been classified as a disruptive property by the Police chief, the owner shall be required to undertake a plan of remediation to abate and eliminate that public nuisance in accordance with this section.
- B. If the property has not undergone a comprehensive code and fire-safety inspection within the prior 360 days, the owner must agree to make available the entire property for a comprehensive inspection by the Fire Department and the Office of Code Enforcement and schedule such inspections to be completed as soon as possible, but within 14 days of the notice of the disruptive property classification. Furthermore, the owner shall notify in writing all tenants and occupants of the property of the scheduled inspections and provide copies of such notices to the Police Chief. The owner shall also cooperate fully with the City officials to gain entry to all areas of the property. If the property is an owner-occupied one-family dwelling, the foregoing requirements shall only apply if the Code Enforcement Officer has reasonable grounds to believe that a violation of any applicable codes or ordinances exists on the property.
- C. The owner, or the owner's duly authorized agent, shall meet with the Police Chief either within 14 days of the notice of the disruptive property classification or within 14 days of the completion of the inspections outlined in this section, where such inspections are required.
- D. At the time of this meeting, the owner or the owner's duly authorized agent, shall provide to the City the following documentation:
 - (1) A complete description of the property, including, but not limited to:
 - (a) list of all dwelling units and their postal or Emergency 911 address designation as they are located on the property;

- (b) Floor plans or sketches for all structures located on the property showing the location of all dwelling unit entrances and egress points, sleeping areas, and common areas;
 - (c) A site description and sketch acceptable to the Code Enforcement Officer and Fire Chief showing the locations and dimensions of all structures, yards or open spaces or recreational spaces, walkways, parking spaces, driveways, and curb cuts; and
 - (2) Other descriptive items as might be requested by the Code Enforcement Officer, Fire Chief or Police Chief.
 - (3) Listing of the names of all tenants and other authorized occupants of the property at the time of the disruptive property classification.
 - (4) A copy of the terms and conditions contained in any occupancy agreement(s) or other lease document(s) agreed to by tenants of the disruptive property.
 - (5) Documentation of any other written or verbal arrangements authorizing occupancy of the disruptive property that may exist in addition to a lease agreement.
- E At the time of this meeting, the Police Chief shall, to the extent permitted by law, provide to the owner, or the owner's duly authorized agent, documentation of municipal actions that involved the property in question that were taken in the three-hundred-sixty-day period preceding the disruptive events, disturbance complaints, code enforcement complaints and inspections, and fire-safety inspections.
- F Remediation agreement. At the meeting, the owner or the owner's duly authorized agent, must agree to take effective measures to address the disruptive property, which measures must be satisfactory to the Police Chief and shall be memorialized in a written agreement at the conclusion of the meeting. Remedial measures may include the owner, or the owner's duly authorized agent, taking appropriate steps through the judicial system to terminate the tenancy of the tenant who engaged in disorderly activities. Remedial measures identified in the agreement shall be implemented within 14 days of the meeting. The Police Chief and the owner, or the

owner's duly authorized agent, shall sign this written agreement and copies shall be provided to the members of the City Council and the City Manager. In the event that the owner, or the owner's duly authorized agent, fails or refuses to enter into such a written agreement, the Police Chief may pursue an enforcement action as authorized under §2-12. Furthermore, in the event that the owner, or the owner's duly authorized agent, fails to meet the obligations of the agreement within the specified timetable to the satisfaction of the Police Chief, the Chief may pursue an enforcement action under § 2-12.

- G If the owner enters into a remediation agreement acceptable to the Police Chief, the Chief shall delay commencement of an enforcement action, if, in the opinion of the Chief, the owner is making a good faith effort to implement the remediation agreement and no new disruptive event occurs on the property.

2-10 Duration of disruptive property classification

The disruptive property classification shall be removed from the property by the Police chief upon the Police Chief's determination of all of the following:

- A. The passage of 180 days from the date of the last disruptive event without the occurrence of any substantiated disruptive events; and
- B. Payment of all civil penalties and costs arising from the enforcement actions; and
- C. Verification by City Officials that all deficiencies, if any, discovered during any inspection under § 2-9 have been corrected; and
- D. Satisfactory implementation of the remediation agreement required under 2-9.

2-11 Violations and penalties.

Any person who is found to be in violation of any provision of this ordinance shall be subject to a civil penalty of not less than \$500 and not more than \$1000. Each violation of a separate provision of this ordinance, and each day of violation, shall constitute separate offenses. In addition, if the City is the prevailing party in an enforcement action, said person shall also be liable for all reasonable expenses incurred by the City in the enforcement of this ordinance, including, but not limited to City of Calais staff time,

attorney's fees, and costs. All civil penalties shall inure to the benefit of the City of Calais.

2-12 Enforcement.

A. It is a further violation of this ordinance for any owner to:

- (1) Refuse to meet with the Police Chief as required by § 2-9, or to have the owner's duly authorized agent meet with the Chief; or
- (2) Refuse to enter into a written remediation agreement as required by § 2-9
- (3) Fail to fully implement the remediation agreement in compliance with the timetable specified in the agreement; or
- (4) Fail to abate or eliminate the disruptive property public nuisance.

B The Police Chief, with the approval of the City Manager, is authorized to institute, or cause to be instituted, any and all actions and proceedings, either legal or equitable, that may be necessary or appropriate to enforce the provisions of this chapter and to seek the abatement and elimination of the disruptive property public nuisance.

2-13 Severability

In the event that any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provision of the ordinance shall not be invalidated.

Adopted: March 23, 2017

Amended:

Repealed

Ordinance Number Assigned: 2018-600

City of Calais
All Terrain Vehicle Ordinance

Purpose

The purpose of this Ordinance is to authorize the operation of 4-wheel all-terrain vehicles on designated roadways in the City of Calais, pursuant to the authority given to the City by Title 12 M.R.S.A. Section 13157(A)(6)(H).

Definitions

For the purpose of this Ordinance, an ATV Access Road shall be defined as all Public Ways maintained by the City of Calais. Such designated public ways are only to be used by the public to gain access to ATV trails and goods and services.

"All-terrain vehicle" or "ATV" means a motor-driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. "All-terrain vehicle" or "ATV" includes, but is not limited to, a multitrack, multiwheel or low-pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subpart, "all-terrain vehicle" or "ATV" does not include an automobile as defined in Title 29-A, section 101, subsection 7; an electric personal assistive mobility device as defined in M.R.S.A. Title 29-A, section 101, subsection 22-A; a truck as defined in M.R.S.A. Title 29-A, section 101, subsection 88; a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; or a vehicle used exclusively for emergency, military, law enforcement or fire control purposes. "Public Ways" means all city streets and avenues not specifically excluded in this ordinance.

Excluded streets shall be:

- Main Street
- North Street
- North Street Ext
- South Street
- Baring Street
- Route #1 South
- Route #1 North
- Calais Cemetery Road
- Waterfront Walkway

The Police Chief shall cause such areas to be marked by appropriate signs in accordance with Title 12 M.R.S.A. Sec. 13157-A (H) as said statute may be amended.

Operation

Operation of All Terrain Vehicles (ATVs) shall be as determined by the State of Maine, according to MRSA Title 12, Title 29A and this Ordinance.

All ATV operators must obey and comply with all properly posted signs.

All ATV operators will proceed with caution when approaching/passing all nonmotorized trail users including, but not limited to, bicyclists, hikers, and horses.

ATV operators shall not exceed 25 MPH when traveling on designated ATV access roads and must be on the extreme right of the public way.

Penalty

Any person who violates any section of this Ordinance commits a civil violation for which a forfeiture not to exceed two hundred dollars (\$200.00) may be adjudged.

This ordinance shall be enforced by the Calais Police Department.

Severability

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

Adopted: 6/14/2018

Amended:

Repealed:

Fire Department Cost Recovery Ordinance

Authority/Purpose:

This ordinance is adopted pursuant to the municipal home rule ordinance authority and title 30A, WIRSA Section 3001 and is provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine.

City of Calais Fire-EMS is engaged in providing fire suppression, fire rescue and fire prevention services; and in consideration of the services rendered hereby desires to set the following restitution policy for the services that were rendered. For the purposes of this Ordinance/policy, it will only cover the Calais Fire Department.

Definition of Services:

Calais Fire Department will seek payment for the cost of services provided by this department when responding to incidents listed below to include but not limited to the following:

- A: Scene and Safety control at traffic accidents:
- B: Disentanglement operations and assist to rescue with extrication from vehicles:
- C: Fluid and Hazardous substance mitigation at traffic accidents
- D: Vehicle Fires
- E. Lift Assist after 3 per calendar year

Rates for Reimbursement

The following fee schedule is to be reviewed yearly by the Fire Chief along with a general review of the policy itself. All fees are set amounts and are not up for negotiation. Changes to fees may only be changed annually and must be annotated on the "Annual Review" section of this policy.

Description	Fee (in US Dollars)	Charged by Unit
Breakout	100	Flat Fee
Hour Minimum		1 hour per line item
*Engine/Quint	300	Hour
*Squad	250	Hour
*Tanker/Brush Unit	250	Hour
*Car 1	75	Hour
* *Lift Assist	150	Flat Fee

Extrication	500	Flat per Vehicle/Incident
HAZMAT	250	Hour
*Boat	100	
Chief	45	Hour
Asst Chief	35	Hour
Ranking Officer (s)	30 (per Officer)	Hour
Firefighter	25 (per Firefighter)	Hour

* These Vehicles will include one driver / operator

** After 3 assist per calendar year per residence / facility

- **Administration and Billing**

- A. Following conclusion of an emergency or non-emergency response incident meeting the requirements of this Ordinance, the Calais Fire Chief, or his/her designee shall prepare a detailed listing of all known expenses.
- B. The Calais Fire Chief shall determine the total assessable costs and shall in consultation with other Town personnel and entities involved in responding to the incident determine whether to assess any, all, or part of such costs against any of the Responsible Parties. In making such determination, the following shall be considered:
 - (1) the total assessable costs;
 - (2) the risk the public safety or fire emergency incident imposed on the city, its residents and their property;
 - (3) whether there was any injury or damage to person or property;
 - (4) the extent the public safety or fire emergency incident required an unusual or extraordinary use of city personnel or equipment; and
 - (5) whether there was any damage to the environment.
- C. After consideration of the factors in (B) immediately above, the Calais Fire Chief may allocate assessable costs among and between Responsible Parties, including allocating all or some of such costs jointly and severally against more than one Responsible Party regardless of whether a Responsible Party has other legal liability therefore or is legally at fault.
- (D) If the Calais Fire Chief determines not to assess all or part of assessable costs against a Responsible Party, such determination shall not in any way limit or extinguish the liability of the Responsible Party to the other parties.
- (E) The Calais Fire Chief, or a designated third-party billing agent, shall prepare and send an invoice to the Responsible Party or the Responsible Party's insurance carrier for their proportionate share of the assessable costs. Such invoice shall be due and payable within thirty (30) days of the date of the mailing.

Billing is to be completed after obtaining a copy of the incident report by current means from the investigating law enforcement agency. A bill will be generated in conjunction with the use of the incident report and the department's run reporting system used at time of the incident.

All money collected shall be placed in an account to be used to replace fire trucks and equipment that was used on scene.

Default in Payment:

Amy failure by the Responsible Party to pay the invoice within the time period provided above shall be considered in default, In case of default, the City Council may authorize commencement of a civil lawsuit to recover such costs, plus any additional costs, or expenses for attorney fees and court costs, as allowed by law.

Conflicts with Other Ordinances

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of the Calais Fire Department's services, the provision of this Ordinance shall control.

Severability Sections of this Ordinance shall be deemed severable. In the event any section, clause, or provision of this Ordinance is declared invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Effective Date: This Ordinance shall become effective upon the date of adoption by the Calais City Council.

Adoption Date: This Ordinance was adopted by the Calais City Council on **March 11, 2021.**

Signed By: _____ City Manager

Amended:

Repealed:

CITY OF CALAIS
GARBAGE DUMPSTER/GREASE BIN ORDINANCE

Be it Ordained by the City Council of the City of Calais and by the authority of the same as follows, to WIT: -

SECTION 1. An Ordinance establishing regulations relative to the storage, disposal, and maintenance of residential and commercial refuse containers within the City of Calais is hereby established and said ordinance shall provide as follows:

SECTION 2. PERMIT REQUIRED: No dumpster, permanent or temporary, shall be placed on any private property without a permit issued to the container renter by the City Code Enforcement Officer. Such permit shall be issued upon application and shall be renewed on January 1st each year. Temporary dumpsters shall be reviewed for permit renewal by the Code Enforcement Officer every three (3) months from the date of issue,

SECTION 3. MAINTENANCE OF STRUCTURAL ELEMENTS BY OWNER: All dumpsters shall have affixed in clear, legible print, the name of the firm or corp. and the telephone number of said firm or corp. on each individual dumpster.

- a. All dumpsters shall be painted and free from discoloration from oxidation.
- b. Covers or lids on all dumpsters shall be in proper working condition.
- c. All dumpster drainage openings shall remain plugged at all times.
- d. All dumpsters shall not be located within ten (10) feet of a dwelling or structure,
- e. All dumpsters shall not be located within the right-of-way of any street.
- f. All dumpsters shall not obstruct safe sight distances for traffic and pedestrians.

SECTION 4. MAINTENANCE OF DUMPSTERS BY CONTAINER RENTORS:

- a. All areas surrounding dumpster shall be kept clean and litter free.
- b. All dumpsters shall be maintained clean and free from offensive odors.
- c. All dumpsters shall be kept closed at all times when not in use.
- d. When deemed necessary by the Code Enforcement Officer, all dumpsters shall be locked at all times.
- e. At no time shall any dumpster cause a nuisance resulting from the overflow of the contents.
- f. When deemed necessary by the Code Enforcement Officer, container renters may be ordered to enclose each individual dumpster by a wall, fence, or other means so constructed as to be inaccessible to the general public. Such enclosures shall be six (6)

feet in height equipped with a self-latching and lockable gate or an equivalent enclosure sufficient to deny access to the general public.

SECTION 5. OIL AND GREASE CONTAINERS: Containers used for storage of fats, oils and grease shall be leak-proof containers and shall be secured with closefitting lids so as to minimize the creation of a nuisance condition. The storage container shall be kept in a location on the premises so that there is no possibility of an accidental or deliberate spillage of the waste onto the public right-of-way and shall be placed a minimum of ten (10) feet of a dwelling or structure. All stored fats, oils and grease shall be removed for recycling as frequently as may be necessary to prevent the creation of a nuisance. Spillage of any fats, oil and grease shall be removed and cleaned immediately. Placement of these containers shall be to the same specs as garbage dumpsters.

SECTION 6. PENALTIES: Any individual, firm, or corp. who violates any provision of this Ordinance commits a civil violation punishable by a civil penalty and fine of \$100.00 and \$25.00 for each day the violation continues beyond the allotted correction period established by the City Code Enforcement Officer. In addition, the City may pursue all remedies and relief available at law and/or equity, including without limitation the remedies and relief provided 30-A MRSA- 4452

Adopted: 4/8/2021

Amended:

Repealed

CITY OF CALAIS

MEDICAL MARIJUANA BUSINESS ORDINANCE

I. AUTHORITY

To regulate the location, licensing, and operation of Medical Marijuana Businesses, as authorized by Maine's Medical Marijuana laws and regulations, including but not limited to Title 22 MRS. §2421 *et seq.* as amended, within the City of Calais. The City also reserves the right for additional siting and licensing requirements pursuant to Municipal Home Rule Authority (Title 30-A M.R.S. § 3001).

II. PURPOSE

Persons or entities wishing to establish a Medical Marijuana Business within the City of Calais shall first obtain a License from the City Council (hereinafter "the Municipal Officers") and shall be subject to the provisions of this Ordinance.

III. CONFLICT WITH OTHER ORDINANCES; SEVERABILITY

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other federal, state, or local ordinance, regulation or standard, the more restrictive provision shall apply.

IV. EFFECTIVE DATE

The effective date of this Ordinance shall be the date of adoption by the City Council.

V. VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

VI. DEFINITIONS

As used in this Ordinance, the terms below shall be defined as indicated. All other terms used in this Ordinance, if not defined below, shall have the same definition set forth in 22 M.R.S. §2422, as amended.

- A. **Applicant:** a natural person or business entity that submits an application for a License under this Ordinance for review that the City has not yet approved or denied.
- B. **City Officials:** the City Manager and/or the City Code Enforcement Officer.
- C. **License:** a document issued by the City officially authorizing an Applicant to operate a Medical Marijuana Business.
- D. **Licensee:** a natural person or business entity licensed pursuant to this Ordinance to operate a Medical Marijuana Business.

- E. **Loitering:** to stand or wait around idly or without apparent purpose.
- F. **Medical Marijuana Business:** a Registered Caregiver, Caregiver Retail Store, Registered Dispensary, Medical Marijuana Testing Facility, or Medical Marijuana Manufacturing Facility.

VII. LICENSE APPLICATION

No person may establish, operate, or maintain a Medical Marijuana Business without first obtaining a License from the Municipal Officers.

- A. An application for a License shall be submitted to the City Officials for site and business approval specifying the category of the business for which the applicant is filing. An application shall be submitted for initial approval, annual renewal, and change of use.
- B. Before final approval is given on any License, the Applicant must present their caregiver registration from the State of Maine and any state license or approval if required by the state.
- C. Only a total of three (3) Caregiver Retail Stores, Medical Marijuana Testing Facilities, and Medical Marijuana Manufacturing Facility shall be allowed to operate at one time in Calais. Registered Dispensaries are not permitted to operate in Calais. Whenever a License expires for one of the three permitted operating Caregiver Retail Stores, Medical Marijuana Testing Facilities, or Medical Marijuana Manufacturing Facilities and is not renewed, or the Municipal Officers do not renew a License for just cause, other applications may be reviewed, but the cap of three total Licenses shall be maintained for such businesses. All "grandfathered" Caregiver Retail Stores as described in 22 M.R.S. §2429-D(2) operating in Calais as of the effective date of this Ordinance, upon closure of the business and/or ceasing operations, have until the renewal date of the current year to resume business operations and renew their License. Failure to do so constitutes a lapse of the grandfathered use and loss of their License.
- D. Applicants for a License within each separate category cannot be related, be domiciled together, or be owned by the same entity or ownership interest.
- E. Each Medical Marijuana Business shall, at the least, meet the minimum state standards in effect for their category of business at the time of the initial and each renewal application.
- F. Caregiver Retail Stores, Medical Marijuana Testing Facilities, or Medical Marijuana Manufacturing Facilities can only be located in R-4, C-1, C-2, C-3, I-1, I-2, and I-3 zones as defined by the City of Calais Land Use Codes and identified on the City of Calais Zoning and Shoreland Zoning Map.
- G. No Caregiver Retail Store, Medical Marijuana Testing Facility, or Medical Marijuana Manufacturing Facility shall be located within 1,000 feet of a property line of Schools, Daycares, Places of Worship, City Playgrounds and Parks including the City Recreation Center.
- H. Caregiver Retail Stores can only be open to the public between the hours of 7 am and 10 pm Monday through Sunday.
- I. No Loitering is allowed anywhere on the property of a Medical Marijuana Business.

- J. Registered Caregiver activities, in addition to Caregiver Retail Stores, Medical Marijuana Manufacturing, and Medical Marijuana Testing activities, are only allowed to be conducted indoors. All activities must be in an enclosed building with, at the least, meeting the minimum state required regulations in effect at the time of the initial and each renewal application.
- K. All new principal and accessory structures for Medical Marijuana Businesses, and expansions of existing structures, must comply with the following minimum set back requirements from the side and rear property lines:
1. Registered Caregiver and Caregiver Retail Stores: twenty-five (25) feet
 2. Medical Marijuana Testing Facilities: fifty (50) feet
 3. Medical Marijuana Manufacturing Facilities: one hundred (100) feet
- L. All Medical Marijuana Business premises shall be in complete compliance with all City and State Codes and Regulations.
- M. Signage: All signage shall meet the requirements of the State of Maine and shall conform to the City signage ordinance and shall not be excessively attractive to children. Only one (1) free standing outside sign and one (1) sign on the exterior of the building are allowed for a Medical Marijuana Business, excluding Registered Caregivers. Each sign cannot be more than 15 square feet in size. No exterior/outside electronic or digital signs are allowed. Proposed signage shall be submitted with the application to the City Officials and is subject to approval. There shall also be posted in a conspicuous location inside each Medical Marijuana Business at least one legible sign containing the following information:
- "The on-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car, operate machinery, or use a firearm; No one under the age of twenty-one (21) allowed, except a minor with a Medical Marijuana Card; Loitering prohibited"*.
- N. All Medical Marijuana Businesses shall meet all State statutes and regulations regarding security, safety, and odor control.
- O. Caregiver Retail Stores shall be operated from a permanent location. No Caregiver Retail Store shall be permitted to operate from a movable, mobile, or transitory location. They may utilize telephone and internet orders as long as the buyer, on the day the order is made, pays for and picks up such orders in the store. Caregiver Retail Stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window-serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, Fed Ex, DHL, or any other global or local delivery service or courier.
- P. Applicants must provide sufficient documentation demonstrating right, title, and interest to the proposed licensed premises of the Medical Marijuana Business pursuant to a lease, rental agreement, purchase and sale agreement, deed, or other arrangement for possession and use of the premises.

VIII. APPLICATION AND LICENSE FEES

- A. All applicants for a Medical Marijuana Business License shall file a City of Calais Marijuana Business Application Form in person to the City.
- B. All applications must be accompanied by a site plan showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The site plan must be drawn to scale with marked dimensions.
- C. All applications for a Medical Marijuana Business License must be accompanied by a copy of the City Tax Map depicting: the subject property lines and the property lines of other properties containing any other existing Medical Marijuana Businesses abutting the subject property; and the property lines of any protected location identified in Section VII(G) of this Ordinance. Distance is measured from property line to property line.
- D. All applications must be accompanied by description of the Medical Marijuana Businesses' Security, Safety, and Odor Control plans.
- E. A separate application form and fee are required for each type of Medical Marijuana Business the applicant is requesting approval.
- F. All applications must be submitted with a \$250 nonrefundable initial application fee.
- G. The applicant is responsible for all costs associated with holding a public hearing on their application and must pay those fees prior to holding that public hearing.
- H. If an application is approved, the following license fees must be paid before the City will issue a License.
 - 1. Registered Caregiver Annual License Fee: \$ 250
 - 2. Caregiver Retail Store Annual License Fee: \$1,250
 - 3. Medical Marijuana Manufacturing Facility Annual License Fee: \$1,250
 - 4. Marijuana Testing Facility: Annual License Fee: \$ 500
- I. Each License is valid for one (1) year from date of issue. License fees must be paid annually.
- J. The Municipal Officers have the authority to revise these fees at any time by adopting or amending an addendum to this Ordinance.

IX. ISSUANCE RULES

- A. Applications will be reviewed in the order the completed applications are received. An application shall be considered complete when it contains the information and/or other items required on the application, accompanied by the nonrefundable initial application fee. Once a total of three (3) Caregiver Retail Stores, Medical Marijuana Testing Facilities, and Medical Marijuana Manufacturing Facility are licensed to operate in Calais, no more applications will be approved until one of the three operating businesses fails to renew its License or the Municipal Officers do not renew a License for just cause.
- B. The Municipal Officers shall have the authority to impose any conditions on a License that may be necessary to ensure compliance with the requirements of this Ordinance or to address

concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the License.

- C. No License shall be granted by the Municipal Officers until the fire chief, code enforcement officer, and local health officer have made their recommendation upon the Applicant's ability to comply with this Ordinance. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the City authorized to make the inspection at any reasonable time that admission is requested.
- D. Upon the filing of a completed application and successfully passing the required inspection, the Municipal Officers shall schedule a public hearing on the application to occur within 30 days. The Municipal Officials shall provide written notice of the public hearing to the applicant within seven days of the filing of a completed application.
- E. At the public hearing on the application, the Municipal Officers shall take testimony of the Applicant and any interested members of the public. The hearing shall focus upon the criteria for issuance of a License.
- F. The Municipal Officers shall issue to the Applicant written notice of its decision to grant or deny the License. If the Municipal Officers deny the License, the written notice shall set forth their reasons for the denial. The Municipal Officers shall grant a License unless it finds that the issuance of the License would be detrimental to public health, safety or welfare, as demonstrated by the following criteria:
 - 1. An Applicant is less than 21 years of age.
 - 2. An Applicant has failed to provide information required by this Ordinance for issuance of a license or has falsely answered a question or request for information on the application form.
 - 3. The establishment is in a location where a Medical Marijuana Business is not permitted.
 - 4. The number of establishments for the specific category has already been met.
 - 5. The requirements in Section VII of this ordinance have not all been met.
 - 6. Any establishment in which an Applicant has had an ownership interest, that has in the previous five years and at a time during which the applicant had the ownership interest:
 - a. Been declared by a court of law to be a nuisance; or been subject to an order of closure.
 - b. Been convicted of or pled guilty or nolo contendere to a specified criminal activity.
 - 7. A Licensee or member, manager, director, officer of a Licensee who has had a license for a medical marijuana establishment revoked by the City or by the state.
 - 8. An Applicant who has not acquired all necessary state approvals and licenses and other required local approvals prior to the issuance of a License.
- G. The City may suspend or revoke a License for any violation of this Ordinance or any other applicable building and life safety code requirements.

- H. The City may suspend or revoke a License if the Licensee has a state license for any adult use marijuana establishment and/or medical marijuana establishment suspended or revoked by the state.
- I. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation.
- J. The License, if granted, shall state on its face the name of the person, persons or entity to whom it is granted, the number of the License issued to the Licensee(s), the expiration date, and the address of the business. The License shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time that the business is occupied by patrons or is open to the public.
- K. Every Licensee shall submit emergency contact information to the City Officials who will share it with other appropriate local, federal, and/or state agencies.
- L. A license renewal application shall be subject to the same review standards as applied to the initial issuance of the License and the same notice requirement as a new application. The renewal application must be received by the City Officials at least 15 days prior to the expiration date the current License. As part of the renewal process, the Municipal Officers shall consider compliance from prior years, and based upon that review, may add conditions to any future License to correct, abate or limit past problems.
- M. Licenses issued under this Ordinance are nontransferable to different Licensees.
- N. Any appeal of a decision of the Municipal Officials pursuant to this Ordinance shall be to the Maine Superior Court in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

X. RIGHT OF ACCESS/BACKGROUND CHECKS/INSPECTION

Every Medical Marijuana business shall allow municipal officers, fire chief or his appointed inspector, State Fire Marshall official, code enforcement, local health officer, and law enforcement officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance.

XI. INDEMNIFICATION

- A. By accepting a License issued pursuant to this Ordinance, the Licensee waives and releases the City, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Medical Marijuana Business Licensees, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.
- B. By accepting a License issued pursuant to this Ordinance, the Licensee agrees to indemnify, defend, and hold harmless the City, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a Licensed Medical Marijuana Business.

XII. STATE LAW

- A. In the event the State of Maine adopts any additional or stricter law or regulation governing Medical Marijuana, the additional or stricter regulation shall control the establishment or operation of any Medical Marijuana Business in the City of Calais.
- B. Compliance with 22 M.R.S. §2421 *et seq.* and any other applicable State laws or regulations shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with 22 M.R.S. §2421 *et seq.* and any other applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

XIII. ENFORCEMENT

- A. Violations
 - 1. Any violation of this Ordinance, including failure to comply with any condition, shall be enforced pursuant to this Ordinance and 30-A M.R.S. §4452.
 - 2. Each day of a violation constitutes a separate offense,
 - 3. Operating any Medical Marijuana Business without a City License shall be a violation of this Ordinance.
 - 4. Any party committing a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the City Officials. Upon such notification, the City can pursue enforcement, injunctive relief, fines, and/or penalties under 30-A M.R.S. §4452 and report it to the proper authorities.
- B. Code Enforcement Officer (CEO)
 - 1. If the CEO finds that any provision of this Ordinance is being violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the Municipal Officers and the City Officials to be maintained as a permanent record.
 - 2. The City Officials shall keep a complete record of all essential transactions, including applications submitted, licenses granted or denied, revocation actions, revocation of licenses, appeals, court actions, violations investigated, violations found, and fees collected.
- C. Law Enforcement Officers

Law enforcement officers may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to License approvals and shall investigate all complaints of alleged violations of the Ordinance.
- D. Legal Actions

When the above notification and/or inspection action(s) do not result in the voluntary correction or abatement of the violation by the subject Medical Marijuana Business or person, the City Officials shall institute any and all actions and proceedings, either legal or equitable,

including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

E. Penalties/Fine

Any person, including but not limited to, a Medical Marijuana Business owner, property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452.

XIV. AMENDMENTS

This Ordinance may be amended at any time after a public hearing and a majority vote at a City Council Meeting on the proposed amendment.

Adopted: 4/14/2022

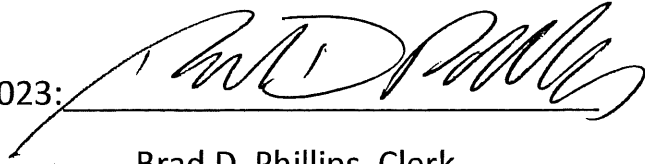
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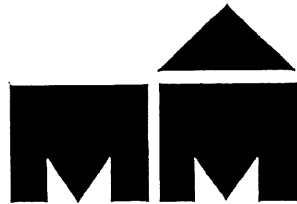
Ordinance Number Assigned: 2023-100

GENERAL ASSISTANCE ORDINANCE

True Attest Copy, March 9, 2023:



Brad D. Phillips, Clerk



Prepared by Maine Municipal Association
September 2022

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ARTICLE I – Statement of Policy

The Municipality of _____ administers a general assistance (“GA”) program available to all persons who are eligible pursuant to the standards provided in this ordinance, state law (22 M.R.S. §§ 4301-4326), and Department of Health and Human Services (DHHS) regulations.

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive, and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will it discriminate based on sex, age, race, nationality, religion, sexual orientation, or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the GA program are encouraged to contact the municipality to make an accommodation request.

The Administrator will act promptly on all applications for assistance and requests for fair hearings and will provide GA applicants with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the Administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The Administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the Administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (*see Ordinance § 5.6*).

The Administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law. 22 M.R.S. § 4306.

The Administrator will post notice stating the day(s) and hours the Administrator will be available. The Administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be available to any member of the public upon request. Notice to this effect will be posted.

ARTICLE II – Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Administrator. See “General Assistance Administrator,” below.

Applicant. A person who has submitted an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. All persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

Basic Necessities. Food, clothing, shelter, fuel, electricity, potable water, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical or work-related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant’s place of residence, and any other commodity or service determined essential by the municipality.

“Basic necessities” do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt**
- Furniture
- Loan re-payments**
- Cigarettes
- Alcohol
- Pet care costs

- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 4301(1)).

** Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions and types and amounts of assistance provided; records concerning an applicant's request for fair hearing; and fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household (see Ordinance § 6.8) less the household income (calculated pursuant to Ordinance § 6.7), provided that this calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S. § 4301(2)).

Earned Income. Wages or Income-in-kind derived by providing goods or services to an individual, company, organization, or other entity.

Eligible Person. A person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. ch. 1161), and DHHS regulations (10-144 C.M.R. ch. 323). If otherwise qualified, "Eligible Person" includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. "Eligible Person" does not include a fugitive from justice as defined in 15 M.R.S. § 201(4). (See "Pursuing a Lawful Process," below)

Emergency. Any life-threatening situation, or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality's option, it includes a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S. §§ 4301(4), 4308(2), 4310).

General Assistance ("GA") Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A GA program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not lessen the municipality's responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA. (22 M.R.S. § 4301(5)).

General Assistance ("GA") Benefits. Benefits provided to a person through the GA program.

General Assistance ("GA") Administrator. A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and

prepare records and communications concerning assistance. He or she may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 4301(12)).

Homelessness. "Homelessness" means a situation in which a person or household is: (a) living in a place that is not fit for human habitation; (b) living in an emergency shelter; (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; (d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; (e) losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or (f) fleeing or attempting to flee violence and has no other residence.

Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S. § 4301(6)). Residents of a Recovery Residence are not considered a shared household.

Income. "Income" means any form of earned or unearned income in cash or in kind received by the household including:

- Net remuneration for services performed;
- Cash received on either secured or unsecured credit;

- Payments received as an annuity, retirement or disability benefits;
 - Veterans' pensions and/or benefits;
 - Retirement accounts or benefits;
 - Workers' compensation payments;
 - Unemployment benefits;
 - Federal and/or state tax returns;
 - Income from pension or trust funds;
 - Student loans;
 - Benefits under any state or federal categorical assistance program such
- as TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation);
 - Court ordered support payments (e.g., child support);
 - Household income from any other source, including relatives or unrelated household members; and
 - Rental income.

The following items will not be considered as income or assets that must be liquidated for the purposes of deriving income:

- Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and childcare expenses; or
- Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S. § 4301(7)).

- Benefits received pursuant to public benefit programs that are specifically exempt from being counted as income for purposes of GA. These programs include:

- Supplemental Nutrition Assistance Program (SNAP) (7 U.S.C. § 2017(b))
- Li-Heap (42 U.S.C. § 8624)
- Family Development Accounts (22 M.R.S. § 3762)
- AmeriCorp VISTA program benefits (42 U.S.C. § 5044 (f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S. § 4301(7))
- ASPIRE Support Service Payments (10-144 CMR Chapter 323)

Initial Applicant. A person who has not previously applied for GA assistance in this or any other municipality.

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing. (22 M.R.S. §§ 4301(8), 4316-A(5)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 M.R.S. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's GA eligibility, and which would, if disclosed to the Administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in Ordinance § 6.8 or the actual cost of any such basic necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (22 M.R.S. § 4316-A), misconduct shall have the same meaning as “misconduct” in 26 M.R.S. § 1043(23). (*See Ordinance Appendix I*). Generally, misconduct occurs when an employee violates his or her obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer’s interest may also be found guilty of misconduct.

Misspent Income. Misspent income includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income will be considered as available to the applicant when determining use of income for the previous 30-day period.

Municipality. Any city, town or plantation administering a GA program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application. (22 M.R.S. §§ 4301(9), 4307).

Need. The condition whereby a person’s income, money, property, credit, assets, or other resources available to provide basic necessities for the individual and the individual’s family are less than the maximum levels of assistance. (22 M.R.S. §§ 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the GA program. (22 M.R.S. §§ 4301(11), 4311).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided; however, in no event shall this period extend beyond one month. (22 M.R.S. § 4309(1)).

Pooling of Income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. This ordinance establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income, except that applicants that who request assistance while residing in a Recovery Residence are not considered to be commingling funds. Applicants who request that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Potential Resources. Sources of financial assistance, including programs, services, non-liquid assets or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Pursuing a Lawful Process to Apply for Immigration Relief. Taking reasonable, good faith steps to apply for immigration relief within twelve months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 C.M.R. ch. 323, for additional guidance).

Real Estate. Any land, buildings, homes, mobile homes, and any other things affixed to the land. (22 M.R.S. § 4301(13)).

Recipient. A person who has applied for and is currently receiving GA.

Recovery Residence. "Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. 5 M.R.S. § 20003(19-D).

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S. § 2710.

Rehabilitation Facility. An inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical services and other services that are provided under competent professional supervision.

Repeat Applicants. All applicants for GA benefits that are not initial applicants are repeat applicants. For purposes of this ordinance “repeat” and “subsequent” shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home, and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality, or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality. (22 M.R.S. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for GA. There are two kinds of resources: “available” and “potential”. Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include, but are not limited to, state or federal assistance programs, employment benefits, governmental or private pension programs, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market,

or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the Administrator, a minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; however, eligibility for GA benefits shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unearned Income. Unearned income is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.

Unforeseen Repeat Applicants. A repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who has unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need (established by Ordinance § 6.6) less the household income (calculated pursuant to Ordinance § 6.7), provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for GA when complied with, (2) result in ineligibility when violated, and (3) are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III – Administrative Rules and Regulations

Section 3.1—Confidentiality of Information

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 4306).

Release of Information. Applicants, recipients, and their legal representatives have the right to review their case records. No record will be released to a third party unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of his or her records to the specified parties. Whenever the Administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

Information from Other Sources; Penalty. Information concerning an applicant or recipient furnished to the municipality by DHHS or any other agency or institution pursuant to 22 M.R.S. § 4314, is confidential. The Administrator will also comply with laws requiring confidentiality of vital statistic records such as birth, marriage, and death records. (22 M.R.S. § 2706).

Any representative of a financial institution or any employer of a GA applicant who, upon receipt of a written release signed by the depositor/employee and a written request from the Administrator, refuses to provide necessary information to the Administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false

representation of a material fact to the Administrator commits a Class E crime. (22 M.R.S. §§ 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense. (22 M.R.S. § 42(2)).

Section 3.2—Maintenance of Records

The Administrator will maintain complete and accurate program records. (22 M.R.S. § 4306). These records are necessary to: (a) document and account for municipal program expenditures; (b) document and support decisions concerning applicants and recipients; and (c) ensure relevant information is available for any fair hearing or judicial review of the Administrator's decisions.

Case Records. The Administrator will maintain a separate case record, in paper or digital format, for each applicant or recipient. Each case record will include at least:

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status;
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
- adjustments in aid, and suspension or termination of eligibility;
- physician's documentation;

- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and
- vendor forms

Case records will not include information that is irrelevant to the applicant's or recipient's application or the Administrator's decisions.

Retention of Records. GA records shall be retained for at least three full years. The three-year period shall coincide with the state government's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by supervised shredding, burning or an appropriate digital deletion/destruction process. If a recipient's records contain SSI reimbursement forms, the recipient's records should be retained so that the municipality may seek reimbursement.

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

Who May Apply. Any person may apply for GA. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations (see Ordinance § 4.9) or when the applicant resides at an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents eligible for GA benefits. (22 M.R.S. § 4304(3)). In such cases, the Administrator may require a representative to present a signed statement documenting that he/she is authorized to apply on behalf of the named applicant. The applicant or representative must complete a written application and any other forms necessary for the Administrator to determine eligibility. (22 M.R.S. §§ 4305, 4308). With notice, all members of the household receiving GA may be required to physically present themselves to the Administrator. Note that fugitives from justice are ineligible for GA benefits.

Telephone Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of childcare, lack of transportation or other good cause, and he/she cannot send an authorized representative, the Administrator will accept an application by telephone. The telephone application is subject to written verification by mail and a visit to the applicant's home with his or her permission. (22 M.R.S. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines, and the Administrator will make an independent determination of eligibility for GA each time a person applies. (22 M.R.S. §§ 4308, 4309).

Applications Accepted; Posted Notice. Application forms will be available during regular business hours at the municipal office and when the Administrator is conducting interviews with applicants. Completed applications will be accepted and interviews given only during the regular hours established and posted by the Administrator. In an emergency, however, the Administrator or his or her designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the times and location where people may apply for assistance and contact information for the Administrator available to take emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend, or family member.

Section 4.3—Contents of the Application

An application must contain the following information:

- a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
- b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant seeks assistance;
- c) the total number of individuals living with the applicant;
- d) employment and employability information;
- e) a listing of all household income, resources, assets, and property;
- f) the applicant's household expenses;
- g) the types of assistance requested;
- h) a statement of the penalty for false representation;
- i) the applicant's permission for the Administrator to verify information;
- j) the signature of applicant and date.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the Administrator may elect to provide

a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 4.4— GA Administrator's Responsibilities at the Time of Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant's eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant's information and any benefit reimbursement agreements before the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the reduction in assistance that results from spending household income on non-basic necessities;
- immigration status (see definition of "Eligible Person"); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The Administrator will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24-hours after application;

- confidentiality of the application and other records;
- contact the DHHS with complaints;
- challenge the Administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The Administrator will inform the applicant/recipient that he/she must reimburse the municipality the amount of GA benefits he/she has been granted if he/she subsequently has the ability to pay. The municipality may also, as appropriate, contact and inform the applicant/recipient's legal representative of the recipient's obligation to repay the municipality.

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support, such as a spouse, or the parents of persons under the age of 25. (*See Article VIII, "Recovery of Expenses"*). (22 M.R.S. §§ 4318, 4319). Whenever applicable, the Administrator will explain the liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "Interim Assistance Agreement" lien, described in Article VIII, "Recovery of Expenses."

Section 4.5—Responsibilities of the Applicant at Time of Application

The applicant is responsible to provide accurate, complete, and current household information and verifiable documentation at the time of each application concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support
- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S. § 4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

- a) has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;
- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
- c) has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
- d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator, in order to diminish the applicant's need for general assistance. (22 M.R.S. §§ 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning the applicant's eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. §§ 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced, or terminated.

Content of Decision. The Administrator's written decision will contain:

- a) the type and amount of benefits granted, or the applicant's ineligibility for benefits;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the Administrator's decision;
- d) the applicant's right to a fair hearing; and
- e) the applicant's right to notify the DHHS if he/she believes the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

An application will be considered withdrawn if the applicant requests in writing that the application be withdrawn; or if the applicant refuses to complete or sign the application or any other document needed by the Administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances include, but are not limited to, the following:

- a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when his or her conduct is under control.
- b) If the Administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, if the applicant's behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, the applicant may be required to designate a third party to apply for assistance on his or her behalf and the applicant may be prohibited from entering the municipal building;
- c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant. (22 M.R.S. § 4308).

Section 4.9—Emergencies

An "emergency" means any life-threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits, unless he/she is disqualified as provided below, emergency assistance may be granted to applicants who lack sufficient

income and resources to meet the emergency need and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance §§ 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 is ineligible to receive emergency assistance. (22 M.R.S. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, "dependents" are defined as: (1) a dependent minor child; (2) an elderly, ill or disabled person; or (3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the Administrator that he/she needs assistance immediately, the Administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a) after interviewing the applicant the Administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
- b) the applicant submits documentation when possible, to verify his or her need. The Administrator may contact at least one other person to confirm the applicant's statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed. (22 M.R.S. § 4310).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no

authorized representative who can apply on behalf of the applicant, the Administrator shall accept an application over the telephone. (22 M.R.S. § 4304).

Assistance will not be granted after a telephone application if the applicant refuses to allow the Administrator to verify information provided by the applicant either by visiting his or her home or by mail, and the Administrator cannot determine eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If an applicant had income which could have been used to prevent all or part of an emergency, but he or she spent that income on items which are not basic necessities, the applicant will not be eligible to receive GA to replace the misspent money. (22 M.R.S. §§ 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the Administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

- a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage, or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.
- b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels

established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.

- d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total general assistance actually received during the applicable time period.
- e) The Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.
- f) The Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

Section 4.10—Residence

The Administrator shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the Administrator will determine his or her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality. (22 M.R.S. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the Administrator determines the applicant is eligible and grants

financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after he/she moves provided the recipient remains eligible.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters the institution if the conditions of 22 M.R.S. § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 6 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine his or her eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. §§ 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

A person will be eligible for GA if he/she is an “Eligible Person” as defined in section 2.2, is in need, and has complied with the eligibility requirements set forth below. (*For guidance in determining whether an applicant is an Eligible Person, contact DHHS at (800) 442-6003 (TTY: 287-6948)*).

Section 5.1—Initial Application

Initial Application. For initial applicants, need will be the sole condition of eligibility, except that all applicants, including initial applicants, are disqualified for a defined period (1) for quitting employment without just cause or for being discharged from employment for misconduct (*see Ordinance § 5.5*) or (2) who are fugitives from justice as defined in 15 M.R.S. § 201(4), (22 M.R.S. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine. (22 M.R.S. § 4308(1)).

“Need” means that the applicant’s income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in Ordinance § 6.8 or the applicant’s 30-day need, whichever is less, and he/she does not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.1A – Presumptive Eligibility

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a 12-month period. After the period of presumed eligibility, full eligibility must be verified before assistance will be issued. When presumptive eligibility

is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5.1B – Recovery Residences

The Administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. § 20005(22), except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The Administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this subsection may remain eligible to receive GA for other basic necessities.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify an otherwise eligible person. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need. (7 U.S.C. § 2017 (b)).

In addition, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the Administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs. (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated pursuant to Ordinance § 6.7, subsection (c) under “Types of Income”. For several additional exceptions please refer to the definition of “Income” in this Ordinance (see Ordinance § 2.2, page 7, subsection 4).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the Administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit. (22 M.R.S. § 4317).

Section 5.3—Personal Property

a) Liquid Assets.

No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security will be eligible for GA unless and until he or she uses these assets to meet his or her basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary to obtain free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

b) Tangible Assets.

No person owning or possessing personal property, including but not limited to: a motor vehicle (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household will be eligible for GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Ordinance § 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

c) Automobile Ownership.

Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation, or training facilities, or for any other reason the GA Administrator determines reasonable for the maintenance of the applicant's household. GA recipients who own an automobile with a market value greater than \$8,000 may be required, with 7-day's written notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than \$8,000. Any income received by the applicant by

virtue of such a trade down must be used for his or her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S. § 4317).

The Administrator will neither pay nor consider as necessary any car payment or vehicle maintenance cost, including insurance, for which the applicant is responsible. However, if the vehicle's value is \$8,000 or less and the applicant is utilizing the vehicle for an "essential" reason (see above), the Administrator may choose to not consider reasonable car payments, reasonable car insurance or reasonable associated costs of maintenance as "misspent" income. GA for travel-related needs shall be computed in accordance with Ordinance § 6.8(F)(7), (8) "Work Related/Travel Expenses."

d) Insurance.

Insurance available to an applicant on a non-contributory basis or required as a condition of employment will not be a factor in determining eligibility for GA. Life insurance with a cash surrender value may, at the discretion of the Administrator, be considered as a tangible asset.

e) Transfer of Property.

Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for GA will not be granted GA benefits to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will be issued. There will be a presumption that the applicant transferred his or her assets in order to be eligible for GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) Principal Residence.

Solely for purposes of GA, the applicant's principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness, or disaster, provided the applicant demonstrates an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, that land may be considered a potential resource if:

1. The applicant has received GA for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the Administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support; therefore, the entire 100 acres need not be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) Other Property.

If the applicant or dependents own real property other than that occupied as the principal residence, continued GA eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for GA will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the sale of the property or upon the death of the recipient (*see also Ordinance § 6.8*). 22 M.R.S. § 4320.

Section 5.5—Work Requirement

All GA recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and household members who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below (*see "Exemptions"*). Applicants must demonstrate to the Administrator that they are available for work and are actively seeking employment.

A "suitable job" means any job, which the applicant is mentally and physically able to perform. "Available for work" means that applicants must make themselves available for work during normal business hours prevailing in the area and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis must provide verifiable documentation of their pursuit of employment at the time of each

application. At a minimum, such documentation will consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of Employment" means actually submitting a written application or applying for a job in person when reasonable or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant's period of unemployment or partial employment, the Administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill his or her work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours per week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

- a) refuse to register for employment with the Maine Job Service;
- b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work; or
- f) refuse to participate or participate in a substandard manner in the municipal work program (*see Ordinance § 5.6*).

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see definition in Appendix I*) will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment. (22 M.R.S. §§ 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a) the applicant has a physical or mental illness or disability which prevents him/her from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
- f) the applicant is unable to arrange for necessary childcare or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause. (22 M.R.S. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the Administrator that they are complying with the work requirement by fulfilling the work requirement(s) the person violated.

For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S. § 1043 or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in Ordinance § 5.6, under "Eligibility Regained."

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

- a) a dependent minor child;
- b) an elderly, ill, or disabled person; and
- c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor (DOL) or determined by the DOL to be expected to assist the applicant in securing employment, or

classroom participation in a degree-granting program operated under the control of the DOL.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance. (22 M.R.S. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in Ordinance § 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants to read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 M.R.S. § 4318, individuals who received GA benefits are obligated to repay the municipality when and if they become able (see Ordinance Article VIII). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations. (22 M.R.S. § 4316-A(3)).

- 1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided with net GA, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.
- 2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.
- 3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.
- 4) In no case will work performed under this subsection interfere with an eligible person's:
 - a) existing employment;
 - b) ability to follow up on a bona fide job offer;
 - c) attendance at an interview for possible employment;
 - d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e) classroom or on-site participation in a training program which is approved by the Department of Labor (DOL) or determined by the DOL to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the DOL.
- 5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his or her regular employment would result in the person working more than 40 hours per week.
- 6) In no case will an eligible person be required to perform work beyond his or her capabilities. However, when an illness or disability is claimed, an eligible

person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness. (22 M.R.S. § 4309).

If the Administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the Administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The Administrator will not require verification of medical conditions which are apparent, or which are of such short duration that a reasonable person would not ordinarily seek medical attention. (22 M.R.S. § 4316(5)).

- 7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving GA. The Administrator shall meet immediate needs upon receiving written assurance from the eligible person that he/she is willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare participation may be required prior to receiving GA in accordance with the "workfare first" policy below.

"Workfare First" Policy. Pursuant to 22 M.R.S. § 4316-A(2)(D), the Administrator may, in accordance with the following guidelines, require a GA recipient to perform a workfare assignment prior to the actual issuance of the GA benefit conditionally granted.

- 1) In no circumstance will emergency GA for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
- 2) All workfare participants under this policy will be provided a written decision within 24 hours after submitting an application for GA and prior to performing any workfare for the municipality associated with that request for assistance.

That written decision must include:

- a) a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
 - b) the period of eligibility for which the GA grant is being issued (in days or weeks, but not to exceed 30 days);
 - c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
 - d) the actual duration of the workfare assignment that must be performed, in hours, before the GA grant will be actually issued;
 - e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of worksite, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
 - f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.
- 3) As previously provided in this section, all workfare participants must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
 - 4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the Administrator shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons; therefore, will be issued to the workfare participant in accordance with Ordinance § 6.10.
 - 5) If any part of the workfare assignment is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons, it shall be reassigned or excused at the discretion of the Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform his or her work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S. § 4316-A(1)). As soon as the Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that he/she is disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The workfare participant has the burden of demonstrating there was just cause for any failure to perform a workfare assignment.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions:

- Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (*see Ordinance § 5.5, "Dependents"*).
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which he or she, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of emergency assistance will not bar the Administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be

considered in the computation of the total number of hours the recipient must work.

- Recipients who have asked for the opportunity to regain their eligibility during a 120-day disqualification period and who agreed to fulfill the assignment which they previously failed to perform but who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the Administrator will enforce the 120-day disqualification for the term of its initial duration.
- If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date but will be provided no opportunity to requalify.
- Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The Administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS. (22 M.R.S. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce his or her need for GA (*see Ordinance § 2.2, definition of "Resources"*). Persons who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource. (22 M.R.S. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of his or her parent, legal guardian or other

adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

- 1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
- 2) the minor has no living parent or the whereabouts of both parents are unknown; or
- 3) no parent will permit the minor to live in the parent's home; or
- 4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
- 5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or
- 6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S. § 4309(4)).

Any person under the age of 25 who is applying independently from his or her parents for GA will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his or her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her parents are financially capable of repaying the municipality. (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for GA by contacting his or her parents. If the applicant's parents declare a willingness to provide the applicant with his or her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his or her parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that his or her needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The Administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/she has made a good faith effort to utilize or obtain the resources. GA will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of, or causes a reduction in, benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided in the form of a specific, regularly issued resource of a calculable value rather than in the form of income, that resource, up to its forfeited value, need not be replaced with GA for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs. (22 M.R.S. § 4317).

Section 5.8—Period of Ineligibility

No one will have his or her GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S. §§ 4321-4322). Each person will be notified in writing of the reasons for his or her ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (*see Ordinance §§ 5.5, 5.6*). If an applicant/recipient is provided assistance and

does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. Persons who commit fraud are disqualified from receiving GA for a period of 120 days (*see Ordinance § 6.4, "Fraud"*). The Administrator shall give recipients written notice that they are ineligible as soon as the Administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

Section 5.9 – Unemployment Fraud

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S. § 1051(1) is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor. 22 M.R.S. § 4317.

ARTICLE VI – Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his or her individual rights.

Section 6.2—Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The Administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The Administrator may redetermine a person's eligibility at any time during the period he or she is receiving assistance if the Administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the Administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority. (22 M.R.S. § 4309).

Section 6.3—Verification

Eligibility of Applicant; Duration of Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for GA. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's Responsibilities. Applicants and recipients for GA are responsible for providing to the Administrator all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by

the Administrator. When such information is unavailable, the Administrator must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter, to provide complete, accurate, current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. Persons who have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (*see below*). However, such applicants must still provide the GA Administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e., quit job).

Repeat Applicants. All applicants for GA who are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The Administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services, and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, (e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted) as required by the Administrator.

Redetermination of Eligibility. The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the Administrator is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled, or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient stating the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S. § 4314 who refuses to provide necessary information to the Administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25 nor more than \$100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the Administrator is guilty of a Class E crime. (22 M.R.S. §§ 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to knowingly and willfully make a false representation of a material fact to the Administrator in order to receive GA or cause someone else to receive GA. (22 M.R.S. § 4315). A person who commits fraud in an effort to receive GA benefits may be prosecuted for this offense.

False representation means any individual who knowingly and willfully:

- a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) uses GA benefits for a purpose other than the purpose for which they were intended.

Repeat applicants must provide updates to information reported on previous applications, including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source but who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the Administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Administrator's Responsibilities. In order to determine an applicant's eligibility for GA, the Administrator first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the Administrator must determine eligibility. The Administrator will seek verification necessary to determine eligibility and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant – except that the Administrator may examine public records without the applicant's knowledge and consent.

Appropriate sources, which an Administrator may contact, include, but are not limited to:

- DHHS, any other department or agency of the state, or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant
- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for GA, the Administrator shall notify that applicant in writing that he or she must reimburse the municipality for the assistance he or she was not entitled to receive and that he/she is ineligible for assistance for the longer of: (a) a period of 120 days; (b) until he or she reimburses the municipality for the assistance; or (c) until he or she enters a reasonable written agreement to reimburse the municipality. (22 M.R.S. § 4315).

For the purpose of this section, a material misrepresentation is a false statement about eligibility factors in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the Administrator shall inform the applicant of his or her right to appeal the Administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this Ordinance. No recipient shall have his or her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure. (22 M.R.S. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household. (22 M.R.S. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The Administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month. (22 M.R.S. § 4309). Upon receiving a completed and signed application the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA Administrator, the GA Administrator shall render a notice of "ineligibility" and advise the applicant that he or she has a right to reapply as soon as he or she has the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency, the Administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the Administrator elects to disburse GA for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application. (22 M.R.S. § 4301(7)). The Administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in Ordinance § 6.8, whichever is less. The sum of these

expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency. (22 M.R.S. § 4308(2)) (*see Ordinance § 4.9*).

Applicants will also not be considered in need of GA if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of Ordinance § 6.8. (22 M.R.S. §§ 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this Ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator's distribution of assistance for which the applicant is eligible. (*See Ordinance Appendices A-H*). The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency. (22 M.R.S. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no *applicant* is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility. (22 M.R.S. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The Administrator may require that anyone applying for GA provide documentation of his or her use of income. This documentation can take the

form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the Administrator for “unforeseen” repeat applicants (*See Ordinance § 6.3*); repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the Administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones, except when deemed essential by the overseer for medical or work related purposes
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees
- Credit card debt

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his or her income for basic necessities or fails to reasonably document his or her use of income. (22 M.R.S. § 4315-A). Those additional requirements will be applied in the following manner:

- 1) The Administrator may require the applicant to use some or all of his or her income, at the time it becomes available, toward specific basic necessities. The

Administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;

- 2) The Administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
- 3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and
- 4) If the applicant does not spend his or her income as directed but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the Administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of Ordinance § 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (*see Ordinance § 4.9*). If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in Ordinance § 6.8 for specific basic necessities except in an emergency or when the Administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the Administrator may consolidate the applicant's deficit and

apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

- 1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
- 2) The total GA grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
- 3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient misspending his or her income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in Ordinance § 6.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the Administrator will calculate the income they will receive during the next 30-day period commencing on the date of application and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the Administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in Ordinance § 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded. (22 M.R.S. § 4308) (*see Ordinance § 4.9*). To calculate weekly income and expenses, the Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

- a) **Earned Income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and childcare costs will be deducted from an applicant's income. (22 M.R.S. § 4301(7)).

- b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and Fuel Assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for GA for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his or her total fuel costs. Accordingly, in such cases, the Administrator will budget for the

household's heating energy needs according to actual usage, up to the ordinance maximums, but the Administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his or her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
 - Americorp VISTA program benefits (42 U.S.C. § 5044(f))
 - Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))
- c) **Court-Ordered Support Payments.** Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement assistance shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.
- d) **Income from Other Sources.** Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives. (22 M.R.S. § 4301(7)).
- e) **Earnings of a Son or Daughter.** Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time

will not be considered income. The unearned income of a minor in the household will be considered available to the household.

- f) **Income from Household Members.** Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.
- g) **The Pooling or Non-Pooling of Income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the Administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling during the duration of the shared living arrangement. Such documentation would include evidence of the entire household's expenses, bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro-rata share of household costs.

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his or her income and his or her pro-rata share of actual household expenses.

- h) **Lump Sum Income.** A lump sum payment received by any GA applicant or recipient prior or subsequent to the date of application for GA will be considered as income available to the household. However, verified required payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant

can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior or subsequent to the date of application for GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria. (22 M.R.S. § 4301(7), (8-A)):

- 1) identify the date the lump sum payment was received;
- 2) subtract from the lump sum payment all required payments;
- 3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the GA program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S. § 4301(7), (8-A));
- 4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for GA; and
- 5) divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B).

This dividend represents the period of proration determined by the Administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 M.R.S. § 4308).

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Ordinance Appendices B-H, an applicant's eligibility for GA will be first determined by subtracting his or her income from the overall maximum level of assistance designated in Appendix A for the applicable household size. (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for GA up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Ordinance § 4.9.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The Administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the Administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs. In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the Administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with GA; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

- (A) **Food.** The Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine DHHS on or about October of each year. See Ordinance Appendix B for the current year's food maximums.

In determining need for food, the Administrator will not consider the value of the food stamps an applicant receives as income. (22 M.R.S. § 4301.7(A); 7 U.S.C. § 2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The Administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

- (B) **Housing.** The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Appendix C for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing

maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children. (22 M.R.S. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum. (22 M.R.S. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than \$600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see § 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of his or her tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the Administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

- (1) the marketability of the shelter's equity;
- (2) the amount of equity;
- (3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
- (4) the extent to which liquidation may aid the applicant's financial rehabilitation;
- (5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing;
- (6) the imminence of the applicant's dislocation from owned housing because of his or her inability to meet the mortgage payments;
- (7) the likelihood that the provision of housing assistance will prevent such dislocation; and
- (8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The Administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for GA if after review of the criteria above, the Administrator determines that:

- (1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
- (2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or

re-amortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and

- (3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the Administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his or her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the Administrator will inform the applicant that he/she is responsible for finding alternative housing within his or her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S. § 4320). No lien may be enforced against a recipient except upon his or her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for GA if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing GA for a mortgage payment or capital improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the GA recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to

be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with his or her property taxes, the Administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using GA to meet this need only if:

- a) the property tax in question is for the applicant's place of residence;
- b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
- c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and
- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are

hereby incorporated by reference. See Ordinance Appendix C for the current year's housing maximums.

If and when the maximum levels of housing assistance in this Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

- (C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S. § 4308(2)) (*see Ordinance §§ 4.9; 6.3*). The Administrator will notify applicants in writing that they must give the Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

- (D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the Administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Ordinance § 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the Administrator timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

- (E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Appendix F for the current year's personal care and household supplies maximums.

- (F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the

Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

- 1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
- 2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (*see below*), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his or her need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the Administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing GA for any medical expenses, the Administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

- 3) **Hospital Bills.** In the event of an emergency admission to the hospital, the hospital must notify the Administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the Administrator, the municipality will have no obligation to pay the bill.

Any person who cannot pay his or her hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S. § 1716. Anyone who is not eligible for the hospital's free care program may apply for GA. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that he or she is not eligible for the hospital's free care program.

Before the Administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at Ordinance § 6.6.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the Administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The Administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
- 5) **Eye Care.** In order to be eligible to receive GA for eyeglasses, an applicant must have his or her medical need certified by a person licensed to practice optometry. The Administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
- 6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA Administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or work-related reasons exist and/or for any other reasons the Administrator deems necessary.
- 7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum. See Ordinance Appendix G for the current maximum mileage allotment. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.
- 8) **Travel Expenses.** In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the Administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically

necessary travel. See Ordinance Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

9) Burials, Cremations. Under the circumstances and in accordance with the procedures and limitations described below (*see Ordinance § 6.9*), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Ordinance Appendix H for the current maximums.

10) Capital Improvements. The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the Administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The Administrator may grant GA for capital improvements when:

- 1) the failure to do so would place the applicant(s) in emergency circumstances;
- 2) there are no other resources available to effect the capital repair; and
- 3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S. § 4320 when GA has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) "Liens", above.

Section 6.9—Burials; Cremations

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the Administrator prior to the burial or cremation or by the end of three business days following the funeral director'

receipt of the body, whichever is earlier. (22 M.R.S. § 4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the Administrator. In addition, the funeral director may refer legally liable relatives to the Administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing GA for burial or cremation purposes, an application for assistance shall be completed by the Administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under Ordinance § 4.10.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for GA in as much as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are themselves eligible for GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all GA issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives,

individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the Administrator, all legally liable relatives must provide the Administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the Administrator of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the Administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the Administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the Administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for his or her pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the Administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share

or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The Administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of \$75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the Administrator.

Burial Expenses. The Administrator will respect the wishes of family members concerning whether the deceased is interred by means of burial or cremated. See Ordinance Appendix H for the maximum levels of burial assistance.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the Administrator nor the funeral director can locate any family

members, the Administrator may issue GA for cremation services. See Ordinance Appendix H for the maximum assistance levels for cremations.

Section 6.10—Notice of Decision

Written Decision. Each time a person applies, the Administrator will provide a written decision to the applicant after making a determination of eligibility. The decision will be given to the applicant within 24 hours after a completed and signed application is received (22 M.R.S. § 4305(3)) (*see Ordinance § 4.6*).

In order to comply with the statutory requirement to issue a decision within 24 hours, if an applicant submits an incomplete or unsigned application, the Administrator may decide to issue a notice of “ineligibility” and provide the applicant with another application to submit as soon as is practicable for the applicant.

The Administrator must explain the applicant’s right to a fair hearing in the Administrator’s written notice of decision.

Contents of Decision. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the items listed in Ordinance § 4.6, the notice of decision will include a statement that:

- a) the applicant has the right to a fair hearing and how to request a fair hearing, and;
- b) the applicant has the right to contact the DHHS if he or she believes the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

Disbursement of General Assistance. Except when the Administrator determines it is impractical, all GA will be provided as a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. GA will not be issued in the form of a cash payment to an applicant unless there is no alternative to the cash payment, in which case the Administrator shall document the circumstances requiring GA to be issued in the form of cash. (22 M.R.S. § 4305(6)).

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receipt of a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his or her authorized representative has the right to request a fair hearing. (22 M.R.S. § 4322). The right to review a decision of the Administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the Administrator, all claimants will be informed of how to request a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or his or her authorized representative, must make a written request within 5 working days of receipt of the Administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The Administrator will make a form available to request a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a) the decision on which review is sought;
- b) the reason(s) the claimant is dissatisfied and why the claimant believes he/she is eligible to receive assistance; and
- c) the relief sought by the claimant.

The Administrator may not deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the FHA must meet and hold the hearing within 5 working days. The Administrator will notify the claimant in writing when and where the hearing will be held. (22 M.R.S. § 4322). In addition to the

date, time and place of the hearing, the notice of fair hearing shall include, at a minimum, the claimant's rights to:

- a) be his or her own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or another;
- b) confront and cross-examine any witnesses presented at the hearing; and
- c) present witnesses on his or her own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case.

Section 7.3—The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with ensuring that GA is administered in accordance with state law and this ordinance.

The FHA may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA, or, if designated by ordinance, a municipal board of appeals created under 30-A M.R.S. § 2691. (22 M.R.S. § 4322). In determining the FHA, the municipal officers will ensure that all person(s) serving as FHA must:

- a) have not participated in the decision which is the subject of the appeal;
- b) be impartial;
- c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
- d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the Administrator operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

At the time that written notice of the date, time, and place of the fair hearing is provided to a claimant, he/she will also be given adequate information about the hearing procedure to allow him/her to effectively prepare his or her case. The claimant shall be permitted to review his or her file before the hearing. At a minimum, the claimant will be provided with the following information regarding fair hearing procedures. All fair hearings will:

- a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;
- b) be opened with a presentation of the issue by the FHA;
- c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
- d) allow the claimant and the Administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
- e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
- f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
- g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The FHA will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the FHA must be made available to the claimant or his or her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

The FHA shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S. § 4322).

Claimant's Failure to Appear. If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the Administrator's decision remains unchanged because of the claimant failure to appear. The notice will state that the claimant has 5 working days from receipt of the notice to provide the Administrator with information demonstrating "just cause," for failure to appear.

"Just cause" for a claimant's failure to appear at a fair hearing, may include:

- a) a death or serious illness in the family;
- b) a personal illness which reasonably prevents the party from attending the hearing;
- c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
- d) an obligation or responsibility which a reasonable person in the conduct of his or her affairs could reasonably conclude takes precedence over the attendance at the hearing; or
- e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The FHA's decision will be binding on the Administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain:

- a) a statement of the issue;
- b) relevant facts brought out at the hearing;
- c) pertinent provisions in the law or GA ordinance related to the decision; and

d) the FHA's decision and the reasons for it.

A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the Administrator.

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she may appeal pursuant to Maine Rule of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII – Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or his or her executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall “offset” the value of any workfare performed by a GA recipient against the repayment obligation, at a rate not less than minimum wage.

Before filing a court action to seek repayment of GA benefits previously provided to a recipient, the municipality will seek voluntary repayment after written notice and discussion with the recipient. However, the municipality will not attempt to recover such amounts if, as a result of the repayment, the recipient would again become eligible for GA. (22 M.R.S. § 4318).

Recipients Anticipating Workers' Compensation Benefits. The municipality shall claim a lien on any lump sum payment under the Workers' Compensation Act or similar law of any other state, which lien shall equal the value of all GA payments made to a recipient of any such lump sum payment. (22 M.R.S. § 4318, 39-A M.R.S. § 106). After issuing any GA on behalf of a recipient who has applied for or is receiving Workers' Compensation, the municipality shall file a notice of the municipal lien with the GA recipient and the Maine Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the GA recipient who has applied for or is receiving Workers' Compensation. Any GA applicant who has applied for or who is receiving Workers' Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive GA until he or she provides the required signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the Administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended (and which therefore may be

retroactively issued to the applicant at a later date), will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the GA granted. Any GA applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until he or she provides the required signature. (22 M.R.S. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S. § 4319). In addition, the grandchildren, children, parents, grandparents, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S. § 4319).

ARTICLE IX – Severability

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provision of the ordinance.

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APPENDIX A – 2022-2023 GA Overall Maximums

Effective: 10/1/22 – 9/30/23

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	826	955	1,219	1,515	2,071
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,016	1,075	1,409	1,865	1,991
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	795	859	1,099	1,427	1,728
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh, Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	789	792	1,043	1,302	1,420
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish,	1,263	1,463	1,893	2,415	2,958

COUNTY	1	2	3	4	5
Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach					
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	874	1,031	1,253	1,650	1,880
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,072	1,082	1,355	1,717	1,984
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,237	1,293	1,699	2,194	2,934

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5
Aroostook County	692	754	881	1,185	1,353
Franklin County	728	774	909	1,229	1,566
Hancock County	890	925	1,110	1,397	1,529
Kennebec County	819	835	1,038	1,360	1,451
Knox County	844	848	1,038	1,378	1,471
Lincoln County	925	941	1,178	1,463	1,912
Oxford County	814	815	993	1,400	1,627
Piscataquis County	701	752	926	1,227	1,477
Somerset County	755	790	1,017	1,323	1,416
Waldo County	970	972	1,155	1,441	1,970

COUNTY	1	2	3	4	5
Washington County	756	758	982	1,228	1,343

*** Please Note: Add \$75 for each additional person.**

APPENDIX B – 2022-2023 Food Maximums

Effective: 10/01/22 to 09/30/23

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2022, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 65.35	\$ 281.00
2	120.00	516.00
3	172.09	740.00
4	218.37	939.00
5	259.53	1,116.00
6	311.40	1,339.00
7	344.19	1,480.00
8	393.26	1,691.00

Note: For each additional person add \$211 per month.

APPENDIX C – 2022-2023 GA Housing Maximums

Effective: 10/01/22 to 09/30/23

(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should **ONLY consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	528	157	676
1	126	541	171	736
2	140	604	200	859
3	197	846	270	1,159
4	218	935	308	1,323

Franklin County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	131	564	165	712
1	131	564	176	755
2	147	632	206	887
3	207	890	280	1,203
4	267	1,148	357	1,536

Hancock County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	176	755	204	875
1	176	755	211	908

Hancock County	Unheated		Heated	
2	205	883	253	1,089
3	260	1,120	319	1,373
4	276	1,187	349	1,500
Kennebec County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	159	684	187	804
1	159	684	190	818
2	189	811	237	1,017
3	252	1,083	311	1,336
4	258	1,109	331	1,422

Non-Metropolitan FMR Areas

Knox County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	157	709	193	831
1	165	673	193	831
2	189	811	237	1,017
3	256	1,101	315	1,354
4	263	1,129	335	1,442
Lincoln County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	184	790	212	910
1	184	790	215	924
2	221	951	269	1,157
3	276	1,186	335	1,439
4	365	1,570	438	1,883

Oxford County		Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	158	679	186	799	
1	158	679	186	799	
2	178	766	226	972	
3	261	1,123	320	1,376	
4	299	1,285	372	1,598	
Piscataquis County		Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	125	537	159	685	
1	125	539	171	738	
2	151	649	210	904	
3	206	888	279	1,201	
4	246	1,059	336	1,447	
Somerset County		Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	144	620	172	740	
1	144	620	180	773	
2	184	790	232	996	
3	243	1,046	302	1,299	
4	250	1,074	322	1,387	

Non-Metropolitan FMR Areas

Waldo County		Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	194	835	222	955	
1	194	835	222	955	
2	216	928	264	1,134	

Waldo County		Unheated		Heated	
3		271	1,164	329	1,417
4		379	1,628	451	1,941

Washington County		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		144	621	172	741
1		144	621	172	741
2		176	755	224	961
3		221	951	280	1,204
4		233	1,001	306	1,314

Metropolitan FMR Areas

Bangor HMFA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		161	691	189	811
1		181	780	218	938
2		231	992	279	1,198
3		288	1,238	347	1,491
4		402	1,729	475	2,042

Cumberland Cty. HMFA		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		205	881	233	1,001
1		209	900	246	1,058
2		275	1,182	323	1,388
3		369	1,588	428	1,841
4		383	1,649	456	1,962

Lewiston/Auburn MSA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	153	660	181	780
1	159	684	196	842
2	203	872	251	1,078
3	267	1,150	326	1,403
4	322	1,386	395	1,699
Penobscot Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	152	654	180	775
1	152	654	180	775
2	190	816	238	1,022
3	238	1,025	297	1,278
4	251	1,078	323	1,391
Portland HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	262	1,128	290	1,248
1	300	1,288	336	1,446
2	387	1,666	435	1,872
3	497	2,138	556	2,391
4	608	2,616	681	2,929
Sagadahoc Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	172	739	200	859
1	199	856	236	1,014
2	239	1,026	287	1,232
3	319	1,373	378	1,626
4	358	1,538	430	1,851

York Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	218	937	246	1,057
1	218	937	248	1,065
2	262	1,128	310	1,334
3	335	1,440	394	1,693
4	382	1,642	455	1,955
York/Kittery/S. Berwick HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	256	1,102	284	1,222
1	260	1,118	297	1,276
2	342	1,472	390	1,678
3	446	1,917	505	2,170
4	603	2,592	676	2,905

APPENDIX D – 2022-2023 Electric Utility Maximums

Effective: 10/01/22 to 09/30/23

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.95	\$ 85.50
2	\$22.52	\$ 96.50
3	\$24.97	\$107.00
4	\$27.53	\$118.00
5	\$29.88	\$128.50
6	\$32.55	\$139.50

NOTE: For each additional person add \$10.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$29.63	\$127.00
2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

NOTE: For each additional person add \$14.50 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E – 2022-2023 Heating Fuel Maximums

Effective: 10/01/22 to 09/30/23

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F – 2022-2023 Personal Care & Household Supplies Maximums

Effective: 10/01/22 to 09/30/23

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

APPENDIX G – Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel, etc. is 46 cents (46¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>.

APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums

Effective: 10/01/22 to 09/30/23

The maximum amount of general assistance granted for the purpose of burial is \$1,475.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal Administrator.

Additional costs may be allowed by the GA Administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be \$1,025.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA Administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23))

23. Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

- A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:
- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
 - (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
 - (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
 - (4) Failure to exercise due care for punctuality or attendance after warnings;
 - (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
 - (6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;
 - (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
 - (8) Unauthorized sleeping while on duty;
 - (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
 - (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
 - (11) Destruction or theft of things valuable to the employer or another employee;

- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[PL2019, c. 125, §1 (AMD).]

B. "Misconduct" may not be found solely on:

- (1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
- (2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or
- (3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[PL 2019, c. 125, §1 (AMD).]