



**GARDINER CITY COUNCIL**  
**AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	04/20/2022	<b>Department</b>	City Council
<b>Agenda Item</b>	4.b) Consideration of sending the project of editing and updating the City of Gardiner Code to the Ordinance Review Committee		
<b>Est. Cost</b>			

**Background Information**

City staff member Joyce McCaslin has been working on this edit for almost one year. The manager now requests that Ms. McCaslin work with the Ordinance Review Committee to update the City Code so that it is consistent.

<b>Requested Action</b>	"I make a motion to ask the Ordinance Review Committee to work with city staff to update the City of Gardiner Code."
<b>City Manager and/or Finance Review</b>	
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

## CITY OF GARDINER CODE

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# CITY OF GARDINER CODE

## TITLE 1

### GENERAL PROVISIONS

#### CHAPTER

- 1.1 Adopting Ordinance
- 1.2 Ward Boundaries
- 1.3 City Council
- 1.4 Licenses
- 1.5 Miscellaneous
- 1.6 Fiscal Year

#### CHAPTER 1.1

#### Adopting Ordinance

#### SECTION

- 1.1.1 City of Gardiner Code
- 1.1.2 Repeal
- 1.1.3 Matters not Repealed
- 1.1.4 Amendments
- 1.1.5 Public Information
- 1.1.6 Separability
- 1.1.7 Penalties
- 1.1.8 Effective Date
- 1.1.9 Publication

An Ordinance to Revise and Codify the Ordinances of the City of Gardiner.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDINER  
THAT:

#### Section 1.1.1 City of Gardiner Code

This ordinance, ~~consisting of Section 101 through Section 3807, both inclusive (except therefrom all notes and references)~~ is hereby adopted and enacted as the "City of Gardiner Code," and shall be treated and considered as a new and comprehensive ordinance which shall supersede all other ordinances passed by any duly constituted legislative authority of the City of Gardiner prior to the effective date of this ordinance, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

**J: [SHOULD THIS BE 'SECTION 1.1.1 THROUGH LAST SECTION NUMBER IN CURRENT BOOK'? 3807 ISNT IN THE OLD VERSION OF THIS BOOK, SO NEVER UPDATED WITH CHANGES? PERHAPS ZONING CODE INCLUDED 3807. NOW RENUMBERED IN LUO BOOK] suggest: delete strikethrough.**

## CITY OF GARDINER CODE

### CHAPTER 11.2

#### Parks and Cemeteries

##### SECTION

- 11.2.1 Designation of City Parks
- 11.2.2 Use of City Parks
- 11.2.3 Permits for Use of City Parks
- 11.2.4 Use of Vehicles in City Parks
- 11.2.5 Hours of Use of City Parks
- 11.2.6 City Cemeteries
- 11.2.7 Special Conditions Regarding Gardiner Landing
- 11.2.8 Unlawful Camping

##### **Section 11.2.1 Designation of City Parks and Cemeteries**

The following areas are hereby designated city parks: the Gardiner Common, Soldier's Field, Quimby Field, Dearborn Park, Brunswick Hill Park, MacMaster's Square, the Kennebec Wharf, and South Gardiner Park, Libby Hill Cemetery, Plaisted Cemetery.

**J: IS KENNEBEC WHARF NOW GARDINER LANDING? DOES THIS LIST NEED UPDATING?**

##### **Section 11.2.2 Use of City Parks**

No person or organization shall sell any goods or services or conduct any public meeting, festival, event, or any such public activity or gathering in any City park without first obtaining a permit from the City Manager.

##### **Section 11.2.3 Permits for Use of City Parks**

The city manager shall issue permits to persons or organizations to conduct such activities in any of the city parks upon the applicant's meeting of the following requirements:

**11.2.3.1** The applicant shall agree to indemnify and hold the city harmless from any and all claims or damages arising out of the applicant's proposed activity.

**11.2.3.2** The applicant shall agree to turn the subject city park over to the city following the proposed activity in the same condition it was in on the date said permit was issued.

**11.2.3.3** The applicant shall agree to such reasonable controls or limitations on hours of operation, noise, and types of activities, as the city manager may impose upon such permit.

**11.2.3.4** The applicant shall provide such bonds with such sureties as the city manager may

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reasonably demand of applicant to assure applicant's compliance with the conditions and/or limitations of such permit.

### **Section 11.2.4      Use of Vehicles in City Parks**

Except for the designated vehicle roadways, launching ramps, and parking areas on the Kennebec Wharf, [J: GARDINER LANDING?] city parks shall be closed to all motor vehicles except emergency, maintenance and law enforcement vehicles, except during events for which a permit has been granted as stated in Section 11.2.3 at which time vehicles used in connection with operating an event may also enter the parks.

### **Section 11.2.5      Hours of Use of City Parks**

Except for the Kennebec Wharf, [J: GARDINER LANDING?] city parks shall be closed to all persons except law enforcement officers and maintenance and emergency personnel between 10:00 p.m. and 5:00 a.m. Violation of this section shall be punishable by a fine of not more than \$100 or imprisonment of up to ten days.

### **Section 11.2.6      City Cemeteries**

**11.2.6.1      Hours.** All city maintained cemeteries shall be closed to all persons and all vehicles except law enforcement officers and maintenance and emergency personnel and vehicles between the hours of 9:00 p.m. and 5:00 a.m. Violation of this section shall be punishable by a fine of not more than \$100 or imprisonment up to ten days.

#### **11.2.6.2      Rules.**

**11.2.6.2.1      Applicability** – These rules apply to cemeteries owned and/or maintained by the City of Gardiner.

**11.2.6.2.2      Purpose** – These rules are adopted by the City Council to assure that City owned/maintained cemeteries are attractive places that can be efficiently maintained.

**11.2.6.2.3      Responsibility of the City** – The City of Gardiner is responsible for the overall upkeep of the cemeteries including maintaining the infrastructure, periodic mowing and cleanup. The City is not responsible for any work involving the maintenance of individual grave sites or monuments or markers. The City reserves the right to remove dead or unsightly plants or flowers or other ornaments on individual graves and to move or relocate planters or flower boxes that do not conform to these rules or that interfere with the normal maintenance of the cemetery. The City shall not be responsible for any grave decorations or other items that may be lost, misplaced, broken or stolen.

**11.2.6.2.4      Seasonal Cleanup** – All flowers, potted plants and other ornamentation or decorations shall be removed from all graves in the spring not later than April 15<sup>th</sup> and in the fall no later than October 1<sup>st</sup> to facilitate the seasonal cleanup of the cemetery.



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**11.2.6.2.5 Grave Decorations** – The following limitations apply to grave sites. The City will remove any decorations that are not in compliance with these rules:

**11.2.6.2.5.1** Only memorial insignias, living plants and flowers, or silk flowers are permitted as grave decorations. Plastic plants and flowers are not permitted. Eternal lights including solar lights are permitted for special occasions and may be used for a maximum of three (3) days.

**11.2.6.2.5.2** Seasonal flowers may be planted on the grave but must be located close to the monument and maintained by the owner or family.

**11.2.6.2.5.3** The planting of trees or shrubs is prohibited.

**11.2.6.2.5.4** Urns or flower boxes not more than three (3) feet in length may be placed close to the monument but may not be placed on other parts of the lot.

**11.2.6.2.5.5** Dead or damaged flowers or plants shall be removed from the grave by the owner or family in a timely manner.

**11.2.6.2.5.6** The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, fences, edging materials, shepherd's hooks, trellises, or similar items is not permitted.

**11.2.6.2.5.7** No concrete, plastic or wood edging is allowed around flower beds.

**11.2.6.2.5.8** White marble chips, granite chips, or other rock materials are not allowed in flower beds or on cemetery lots.

**11.2.6.2.6. Failure to Maintain a Grave Site** – The City reserves the right to take steps to maintain a grave site if it is not adequately maintained including the following:

**11.2.6.2.6.1** Any grave marker in poor or dangerous condition may be either removed by the City or set flush with the ground.

**11.2.6.2.6.2** Any existing trees, shrubs, or bushes that become overgrown, unsightly or hazardous may be trimmed or removed by the City.

### **Section 11.2.7 Special Conditions Regarding Gardiner Landing**

**11.2.7.1** Upon designation by the city council of a special activity, the city council may prohibit the parking of vehicles and boat trailers on the Gardiner Landing for a period not to exceed seventy-two hours. The city council shall set forth, in the designation, the hours that no parking is to be in effect. Notice of the designation of a special activity and the hours of no parking shall be posted at the entrances to the Gardiner Landing forty-eight hours in advance of the initiation of such hours of no parking. Vehicles and trailers found parked illegally after such designation and notice, may be removed and stored at the expense of the owner or person

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in charge or control thereof. The establishment of a period of no parking on the Gardiner Landing shall not apply to emergency, maintenance, law enforcement and vehicles used in connection with the operation of the special activity.

### 11.2.7.2 Boat Landing Facility and Wharf.

**11.2.7.2.1** No person shall use the launching ramp for a period of time in excess of 30 minutes.

**11.2.7.2.2** No person shall ground out, tie up or moor or permit to be ground out, tied up or moored, any watercraft on the launching ramp.

**11.2.7.2.3** No person shall tie up or permit to be tied up to the launching ramp floats, any watercraft for a period longer than 30 minutes.

**11.2.7.2.4** No person shall tie up or permit to be tied up to the wharf or wharf floats any water craft for a period longer than two hours without a permit from the harbor master. For the purpose of administration of this section the harbor master may issue permits on a first come first served basis for use of the wharf and wharf floats for periods longer than two hours upon payment of fees established by the city council.

**[J: CONTRADICTORY TO 11.2.7.6.3]**

**11.2.7.2.5** No person shall leave any property on the launch ramp or wharf floats for any period of time except during the actual period of loading and unloading passenger supplies or during the period of other related activities.

**11.2.7.2.6** No person shall keep, clean or dispose of in any manner or permit to be kept, cleaned or disposed of in any manner, any fish or other marine live on the launch ramp or wharf floats.

**11.2.7.2.7** No person shall engage in swimming from the launch ramp or wharf floats or from any water craft moored in any manner to the floats.

**11.2.7.2.8** No person shall use or permit the launch ramp or wharf floats to be used for any other purpose or activity other than that which is permitted by section.

**11.2.7.3** Camping or otherwise staying overnight on the Kennebec Wharf is prohibited.

**11.2.7.4** No person shall leave any property on the Kennebec Wharf for longer than forty-eight hours without the express permission of the city manager.

**[J: WHARF OR GARDINER LANDING?]**

**11.2.7.5** Removal of watercraft from Boat Landing Facility and Wharf. The harbor master shall have the authority to remove or cause to be removed at the expense of the registered owner of said water craft, any water craft from the boat landing, wharf or wharf floats and to remove the same to a safe anchorage or storage on land in the following instances:



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**11.2.7.5.1** Where a watercraft has occupied a boat landing, wharf or wharf float for a period of time in excess of that stated under this section, without a permit from the harbor master.

**11.2.7.5.2** Where a watercraft is occupying the boat landing, wharf or wharf floats at the time of arrival of a commercial public carrier which said carrier has permission to occupy the boat landing, wharf or wharf floats in advance, and in those instances where the owner of the water craft occupying the landing, wharf or wharf floats cannot be located or having been located and advised to remove his water craft, refuses to do so. The arrival time of any such commercial public carrier shall be posted at the boat landing, wharf or wharf floats at least six hours in advance of its arrival time.

**11.2.7.5.3** In all instances where the safety of the water craft occupying the boat landing, wharf or wharf floats, adjacent water craft, the boat landing, wharf or wharf floats or any public property shall require such removal.

**11.2.7.5.4** Any watercraft lying in tier (more than one water craft deep.)

**11.2.7.5.5** Any watercraft which is anchored or moored in a fashion which obstructs the free passage of water craft going in or coming out of boat landing, wharf or wharf floats.

**11.2.7.5.6** All costs associated with the removal of any water craft shall be borne by the owner and shall constitute a lien upon said watercraft which shall be required to be paid before said water craft shall be permitted to leave the harbor or other place of storage.

**11.2.7.6** Use of Wharf Floats. As authorized in Subsection 11.2.7.2.4 of this section, the harbor master may issue permits to applicants for use of the wharf floats in accordance with the following:

**11.2.7.6.1** The applicant shall agree to indemnify and hold the city harmless from any and all claims or damages arising out of the applicant's use of the wharf.

**11.2.7.6.2** The applicant shall agree to abide by all rules and regulations as set forth by the City of Gardiner for use of the Gardiner Landing.

**11.2.7.6.3** Permits may be issued to a single vessel for use of the wharf floats for overnight tie- up for up to two nights in seven consecutive days upon payment of a fee of \$10.00 per night. There will be no requirement for permits to use the wharf for periods of less than eight hours in any twenty-four hour period.

**[J: THIS IS CONTRADICTIONARY TO SECTION 11.7.2.4. ABOVE]**

**11.2.7.6.4** Permits are to be displayed on the inboard side of the vessel at all times while it is tied to the wharf.

**11.2.7.6.5** The mooring place adjacent to and parallel with the float ramp shall be limited

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### CHAPTER 13.5

#### Dumps

[J: Repeal?]

#### SECTION

- 13.5.1 Operation of City Dump
- 13.5.2 Limiting Dumping of Refuse to Designated Areas
- 13.5.3 Hours of Operation of Public Dumping Grounds
- 13.5.4 Permits to Scavenge
- 13.5.5 Enforcement

#### **Section 13.5.1 Operation of City Dump**

The City of Gardiner may maintain and operate a city dump. Any citizen of Gardiner may dispose of rubbish on the city dump, and, all material so placed on said dump shall become the property of the City of Gardiner. Any person who removes any material from the city dump without authority shall be guilty of a violation.

Collateral reference: **For similar provisions, see Nimlo model Ordinance Service, section 10-601 et seq.**

Cross references: **Appropriation for, see 1954 R.S. ch. 90-A, ss. 12, II, B.**  
**Rat control, see 1954 R.S. ch. 100, ss. 8.**

#### **Section 13.5.2 Limiting Dumping of Refuse to Designated Areas**

The city council may designate from time to time certain areas as public dumping ground for the depositing of rubbish, tin cans, and other household, commercial, or industrial wastes, and, except as provided herein by Section 5.5, Section 17.3 and Title 31, Chapter 15, no person shall deposit such materials elsewhere than at such officially designated public dumping place. No body of a motor vehicle shall be deposited in such public dumping place. Earth, ashes, cinders, and rock for filling-in purposes may be deposited upon private lands, but no putrefaction, organic, vegetable, or animal matter shall be deposited on such private fills.

#### **Section 13.5.3 Hours of Operation of Public Dumping Grounds**

The city council may establish the hours during which such grounds will be open for use of the public.

#### **Section 13.5.4 Permits to Scavenge**

It shall be unlawful for any person to take, remove, or carry away any refuse, debris, rubbish, or any materials of any kind or nature from or about any public dumping place so designated without the express permission of the city manager in writing.



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### **Section 13.5.5      Enforcement**

Any person found guilty of violating any provision of this chapter shall be subject to a fine of not more than \$100 for each offense. The shall be notified by the city clerk of every designated public dumping place and it shall be the duty of the chief of police to cause the abatement of every fire, deposit, or accumulation upon private premises other than those made in accordance with the provisions of this chapter, and to prosecute all violations hereof.

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### **TITLE 21**

#### **PLUMBING**

Note: No material is classified to this title at present. It is reserved for future use.  
(see Land Use)

### **TITLE 23**

#### **PURCHASES**

Note: No material is classified to this title at present. It is reserved for future use.

Cross reference:      **Purchase of supplies, see City Charter, Art. VII, ss. 14.**  
                                 **Purchasing Agent, see City Charter, Art. VI, ss. 6**

**[J: CAN THESE 'PLACEHOLDERS' BE DELETED HERE AN IN TOC?]**



# CITY OF GARDINER CODE

## TITLE 25

### STREETS AND HIGHWAYS

#### CHAPTER

- 25.1 Bicycles
- 25.2 Signs and Obstructions
- 25.3 Traffic Regulations
- 25.4 Excavations

#### CHAPTER 1

##### Bicycles

**(TOMAN'S EDITS/DELETIONS REQUESTED? THEN RENUMBER FROM 25.1.1?)**

#### SECTION

- 2501. Licenses Required
- 2502. Issuance and Expiration of Licenses
- 2503. Tags; Records
- 2504. Fees [This was deleted since last version]
- 25.1.1 2505. Interference with Pedestrians
- 25.1.2 2506. Speed
- 25.1.3 2507. Signal Devices
- 25.1.4 2508. Traffic Rules
- 25.1.5 2509. Use of Hands
- 25.1.6 2510. Load Limits
- 25.1.7 2511. Hitching Rides
- 25.1.8 2512. Lights
- 25.1.9 2513. Team Riding Forbidden
- 25.1.10 2514. Prohibited Routes
- 25.1.11 2515. Prohibiting the Riding of Bicycles on Certain Sidewalks
- 25.1.12 2516. Impounding of Bicycles
- 25.1.13 2525. Unlicensed Vehicles
- 25.1.14 2526. Penalties

Collateral references: For similar provisions, see Nimlo Model Ordinance Service, section 9-5100 et seq.

#### **Section 2501. Licenses Required.**

No person shall operate or use a bicycle propelled by muscular power upon any of the streets or alleys or public highways of the City of Gardiner without first obtaining a license therefor from the chief of police.

Cross references: State regulation, see 1954 R.S. ch. 22, ss. 147A et seq.

#### **Section 2502. Issuance and Expiration of Licenses.**

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~~The chief of police is hereby authorized and directed to issue bicycle licenses which shall expire on July 1 of each year.~~

### **Section 25.1.1 Interference with Pedestrians.**

No person shall ride or propel any bicycle upon any sidewalk in such manner as to interfere with any pedestrian thereon.

### **Section 25.1.2 Speed.**

No person shall ride or propel a bicycle upon any public street, highway or sidewalk except in a prudent and careful manner and at a **reasonable rate** of speed.

### **Section 25.1.3 Signal Devices.**

No person shall ride or propel a bicycle upon any public street, highway or sidewalk in said city unless said bicycle is equipped with bell, horn or other warning device.

### **Section 25.1.4 Traffic Rules.**

Persons riding bicycles shall observe all traffic signs, stop at all stop signs, and shall further observe all traffic rules and regulations applicable thereto; and shall turn only at intersections, signal for all turns, ride at the right hand side of street or highway, pass to the left when passing overtaken vehicles that are slower moving and shall pass to the right when meeting another vehicle.

### **Section 25.1.5 Use of Hands.**

No person shall operate or propel any bicycle without having his hands upon the handle bars thereof.

### **Section 25.1.6 Load Limits.**

No person operating or propelling a bicycle having only one saddle shall carry any other person on said bicycle.

### **Section 25.1.7 Hitching Rides.**

It shall be unlawful for any person while riding a bicycle to hold onto a moving bus, truck or other vehicle.

### **Section 25.1.8 Lights.**

It shall be unlawful to ride or propel a bicycle on any street or other public highway of the city after dark unless the same shall be equipped with a sufficient light attached to the front of said bicycle visible from the front thereof not less than 200 feet and properly lighted,



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### **Section 25.3.13      Oversized Loads**

**25.3.13.1** No vehicle which, with or without load, is wider than 102 inches overall shall be operated between the hours of 3:00 p.m. to 5:30 p.m. on the following streets or ways:

- (a) on Church Street;
- (b) on Maine Avenue from its intersection with Church Street to Gardiner-Randolph bridge.

**25.3.13.2** The **Commissioner of Public Safety** may grant emergency permits upon proper application in writing to move objects having a width greater than specified in Section 25.3.13.1. of this Code. The fee for such permit shall be **\$5.00**.

### **Section 25.3.14      One-way Streets and Alleys**

Upon the following streets and parts of streets and alleys, traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited:

**25.3.14.1** Westerly on Mechanic Street from the intersection of Church Street to the intersection of Brunswick Avenue.

**25.3.14.2** Easterly on Water Street from intersection of Bridge Street to intersection of Church Street.

**25.3.14.3** Easterly on Pray Street from the intersection of Willow Street to the intersection of Harrison Avenue.

**[J: TOMAN REQUESTED THIS BE DELETED]**

### **Section 25.3.15      No Left Turn**

It shall be unlawful for any person operating a motor vehicle to make a left-hand turn from Mechanic Street onto Brunswick Avenue, or from Brunswick Avenue onto Church Street.

### **Section 25.3.16      Rules of the Road**

Cross references:      **Rules of Road generally, see 1954 R.S. Ch. 22, ss. 83 et seq.**

### **Section 25.3.17      Speeds**

Cross references:      **Commercial vehicles, see 1954 R.S. Ch. 22 & 107, 146.**  
                                 **State speed law, see 1954 R.S., Ch. 22, ss. 113-113-c, 146.**

### **Section 25.3.18      Stealing Rides**

## CITY OF GARDINER CODE

**28.4.8.2** While performing the necessary work on private properties referred to in Section 28.4.8.1 above, the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as may be caused by negligence or failure of the company to maintain safe conditions ~~as required in Section 28.4.5.4.~~

**J: NO CROSS REFERENCE FOUND FITS THIS DESCRIPTION. CAN WE DELETE THE WORDS CROSSED OUT?]**

**28.4.8.3** 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 purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater 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.

**28.4.8.4** The City and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter a building on private property to prevent any illegal discharge to the sewers.

### **Section 28.4.9 Penalties**

**28.4.9.1** Any person found to be violating any provision of this Ordinance except Section 28.4.7, shall be served by the City with written notice stating the nature of the violation and providing 90 days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**28.4.9.2** Any person who shall continue any violations beyond the time limit provided for in Section 28.4.9.1, may be subject to a civil penalty of at least two hundred dollars (\$200.00) for each violation.

**28.4.9.3** Any person violating any of the provisions of this code shall become liable to the City by reason of such violation.

### **Section 28.4.10<sup>9</sup> Validity**

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

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

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<sup>9</sup>Ordinance No. 28.1.1 - 28.4.10 updated March 21, 2018