



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	08/02/2023	Department	City Clerk <input type="button" value="v"/>
Agenda Item	4b. Agenda Item Second read regarding changes to the City Code regarding City Fees		
Est. Cost			

Background Information	See the attached documentation
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Requested Action	" I move to approve the Second Read of changes to the City Code regarding City Fees as presented. "
City Manager and/or Finance Review	
Council Vote/ Action Taken	
Departmental Follow-Up	

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

CITY OF GARDINER CODE

the City Clerk upon certification by the City Manager that the license or permit holder has failed to meet its obligations under the workout agreement concerned.

1.4.1.2.3 The City Council, upon request of the applicant, the City Manager, City Code Enforcement Officer or City Health Officer, shall have authority to waive the requirement of Section 1.4.1.2.1.(a) above whenever, in their judgment, waiver is necessary to address a public health or safety concern, or is otherwise in the best interests of the City of Gardiner.

1.4.1.2.4 Any application for a license, permit or renewal required under this chapter not granted within 30 days shall be deemed denied.

Section 1.4.2 Fees

The City Council shall annually adopt a schedule of fees for all licenses required by this chapter, said schedule to remain in effect for the ensuing fiscal year and until a new annual schedule of fees is adopted by the City Council. Copies of the approved schedule of fees shall be made available to the general public by the City Clerk's office.

The City Council may waive or reduce the scheduled fees for any nonprofit or civic organization that serves the interests of the City's residents, as determined by the City Council

Required Licenses: Adult Business, Automobile Recycling Business, Beano/Bingo/Games of chance/pinball, Doing Business As, Food Truck/Mobile Vending Units, Exhibitions/Shows, Hawkers & Peddlers/Street Sellers Junkyards, Liquor (seating: 1-50, 51-100, 101+), Catering, Outside consumption, Pawn, Shopales, Special/pop-up Roving/On-Wheels, Shooting Galleries/pool hall/bowling alley, Solid Waste Collection, Special Amusement, Special Events – Exhibitions and shows, Street Sellers (discounted rate for Farmer's Market), Taxi, Victualler, Tavern Keeper

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Section 1.4.3 Expiration

All annual licenses and permits shall expire on December 31st next after date of issuance unless otherwise specifically provided, and no pro rata adjustments shall be made.

Section 1.4.4 Special Events Permit²

1.4.4.1 Purpose

The purpose of this Ordinance is to provide the City of Gardiner 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

²Adopted: March 7, 2012; Effective: March 7, 2012; Amended: January 8, 2014

CITY OF GARDINER CODE

CHAPTER 3.2

Building Permits

SECTION

3.2.1 Permits Required.

Section 3.2.1 Permits Required

No person, firm or corporation shall erect or alter or otherwise change any building or structure including mobile homes (normal maintenance excepted) without first obtaining a permit from the building inspector or code enforcement officer. The permit shall include a fee in the amount as set forth in the schedule of fees adopted by the City Council. The fee for such permit shall be as follows:

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See updated fee table set by City Council.

CITY OF GARDINER CODE

TITLE 5

BUSINESS AND OCCUPATIONS

CHAPTER

- 5.1 Charitable Solicitations
- 5.2 Special Amusement Permits
- 5.3 Dance Halls
- 5.4 Nudity Control
- 5.5 Junk Dealers
- 5.6 Cable TV
- 5.7 Street Sales
- 5.8 Solid Waste Collection
- 5.9 Adult Business Establishments
- 5.10 ~~Marijuana-Cannabis~~ Establishment Licensing
- 5.11 Mobile Food Vending Units

Collateral references: For similar provisions, see Nimlo Model Ordinance Service, chapters 4 & 6.

CHAPTER 5.1

Charitable Solicitations

SECTION

- 5.1.1 Permit Required
- 5.1.2 Application for Permit
- 5.1.3 Standards for Granting or Denying Permit
- 5.1.4 Permit Form
- 5.1.5 Appeal from the Denial of a Permit

Section 5.1.1 Permit Required

No person shall solicit contributions for any charitable purpose within the City of Gardiner without a permit from the city clerk authorizing such solicitation; provided, however, that the provisions of this section shall not apply to charitable solicitations conducted by established organizations of the community within their own membership.

Cross references: Solicitation of charitable funds, see 1954 R.S. ch. 25, ss. 274-A to 274-D.

Section 5.1.2 Applications for Permit

An application for permit to solicit shall be made to the city clerk on forms to be provided by him, at least 15 days prior to the date on which the requested permit would become effective;

CITY OF GARDINER CODE

CHAPTER 5.2

Special Amusement Permits

SECTION

- 5.2.1 Purpose
- 5.2.2 Definitions
- 5.2.3 Permit Required
- 5.2.4 Inspections
- 5.2.5 Suspension or Revocation of a Permit
- 5.2.6 Rules and Regulations
- 5.2.7 Permit and Appeal Procedure
- 5.2.8 Admission
- 5.2.9 Penalty
- 5.2.10 Separability

Section 5.2.1 Purpose

The purpose of this ordinance is to control the issuance of special permits for music, dancing or entertainment facilities licensed by the State of Maine to sell liquor as required by 28 A. subsection 702.

Section 5.2.2 Definitions

Entertainment: For the purposes of this ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

Licensee: For purposes of this section, "Licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of such licensee.

Section 5.2.3 Permit Required

No licensee for the sale of liquor to be consumed on his licensed premises shall permit in that facility, any music, except radio or other mechanical device, any dancing or entertainment of any sort, unless the licensee shall first obtain from the municipality in which the licensed premises or facility is situated, a special amusement permit signed by at least a majority of the municipal officers.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residential address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described

CITY OF GARDINER CODE

either denied or revoked; and if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony, and if so, the applicant shall describe specifically those circumstances and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued for anything, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.

~~The fee for a special amusement permit shall be \$25.00. The application shall include a fee in the amount as set forth in the schedule of fees adopted by the City Council.~~

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date that the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.

A permit shall be valid only for the license year of the applicant's existing liquor license.

Section 5.2.4 Inspections

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with an ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the municipal officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of his duty, provided that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises at the

CITY OF GARDINER CODE

time it is sought to make the inspection.

Section 5.2.5 Suspension or Revocation of a Permit

The municipal officers may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this ordinance on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

Section 5.2.6 Rules and Regulations

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this ordinance.

Section 5.2.7 Permit and Appeal Procedures

5.2.7.1 Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days after the public hearing. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit which had been denied.

5.2.7.2 Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the municipal Board of Appeals as defined in 30 M.R.S.A. subsection 2411. The municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

Section 5.2.8 Admission

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

CITY OF GARDINER CODE

Section 5.2.9 Penalty

Whoever violates any of the provisions of this ordinance shall be punished by a fine of not more than **One Hundred Dollars (\$100.00)**, to be recovered on complaint, to the use of the City of Gardiner.

Section 5.2.10 Separability

The invalidity of any provision of this ordinance shall not invalidate any other part.

CITY OF GARDINER CODE

CHAPTER 5.8

Solid Waste Collection

SECTION

- 5.8.1 Purpose
- 5.8.2 Definitions
- 5.8.3 Licenses; Application
- 5.8.4 Recycling Collection

Section 5.8.1 Purpose

The intent of this chapter is to protect the health, safety, and general well-being of the residents of the City of Gardiner; to require the licensing of commercial haulers of solid waste and recyclable materials; to provide residential clients of said haulers with curbside rubbish and recycling collection; to preserve and enhance the quality of our common environment; and to comply with State waste management and recycling laws and the city's contract with **Hatch Hill Solid Waste Facility**.

Section 5.8.2 Definitions

Commercial Waste Hauler: "Commercial waste hauler" means any person engaged in the collection and transportation of solid waste for a fee or other compensation.

Dispose; Disposal: "Dispose" means to discharge, dispose, deposit, dump, incinerate, spill or place any solid waste into or on any land, air or water or facility. "Disposal" means the discharge, disposal, deposit, dumping, incineration, spilling or placing of any solid waste.

Person: "Person" means any individual, firm, corporation, partnership, association or any other legal entity or agents of any of the above, and the term shall include the singular and plural as appropriate.

Recycling: "Recycling" means the collection, separation, recovery, reprocessing, and sale or reuse of manufactured materials or residues that would otherwise be disposed of or processed as waste for reuse in the same form or as part of a different product, other than through combustion or use as fuel for the generation of electricity.

Recyclable Materials: For the purpose of this ordinance, "recyclable materials" means those materials, products or categories of solid waste designated by the city manager as requiring separation from the waste stream for recycling or for health and safety reasons. Recyclable materials covered under this ordinance include but are not limited to steel and other metal cans, clear glass bottle and jars, and newspapers. The city manager shall enlarge or otherwise modify this initial list of materials from time to time.

Resident: "Resident" is any person who owns or rents a dwelling or other property improved for occupation within the City of Gardiner.

CITY OF GARDINER CODE

Rubbish: For the purpose of this ordinance, "rubbish" means solid waste generated by residents in particular.

Solid Waste: "Solid Waste" means useless, unwanted or discarded solid materials with insufficient liquid content to be free-flowing, including, but not limited to rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include septic tank sludge or agricultural wastes. The fact that a solid waste or constituent of the waste may have a value or another use or may be sold or exchanged does not exclude it from this definition.

Section 5.8.3 Licenses; Application

5.8.3.1 No person shall be engaged in the business of collecting or transporting rubbish or recyclable materials as a going business for pay or compensation within the city unless they are licensed in accordance with this law.

5.8.3.2 Any person, corporation or other concern wanting to collect rubbish and recyclables in the City of Gardiner shall make a written application for a license to the city manager, including the following:

5.8.3.2.1 Proof of valid registration issued by the secretary of state of the State of Maine for all collection vehicles which are to operate in Gardiner;

5.8.3.2.2 Proof of valid inspection stickers for all vehicles;

5.8.3.2.3 Proof of a liability insurance policy, issued by an insurance company authorized to do business in the State of Maine, for all collection vehicles in accordance with State laws regulating commercial and solid waste transporters, which shall be in full effect for the duration of the licensing period; and

5.8.3.2.4 Such further information as the city council or city manager might reasonably require. Any changes to the application form will be reported to the city council.

5.8.3.3 ~~The fee for this application is \$25.00 per year for one vehicle and an additional \$5.00 for each additional collection vehicle to be operated in Gardiner by the same applicant. The application shall include a fee in the amount as set forth in the schedule of fees adopted by the City Council.~~

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5.8.3.4 Recipients of a license shall receive a permit sticker for each vehicle which is to be prominently displayed on each vehicle at all times within the City of Gardiner.

5.8.3.5 Each licensed rubbish hauler shall be responsible for the disposal of all rubbish that s/he collects within the City of Gardiner.

CITY OF GARDINER CODE

5.8.3.6 Rubbish and recyclable materials collected in Gardiner are to be disposed of or recycled at the **Hatch Hill Solid Waste Disposal Facility located adjacent to Route 105 in Augusta.**

Section 5.8.4 Recycling Collection

5.8.4.1 Licensed rubbish haulers must provide curbside collection of materials designated as recyclable by the city manager or city council at least once per month to all of their clients and tenants of serviced properties who live in buildings of five dwelling units or less.

5.8.4.2 The trigger date for this recycling requirement is March 1, 1992, or the date that the city recycling truck is initially delivered and operable, whichever comes first.

5.8.4.3 Haulers shall make their initial curbside recycling collection no later than 30 days after the trigger date.

CITY OF GARDINER CODE

CHAPTER 5.9

Adult Business Establishments

SECTION

- 5.9.1 Purpose
- 5.9.2 Definition
- 5.9.3 Prohibition
- 5.9.4 Penalty

Section 5.9.1 Purpose

The city council finds that, because of their unique and potentially offensive nature, Adult Business Establishments can have a blighting influence on the surrounding neighborhood if permitted at all in certain zones, or if allowed to concentrate in certain other zones within the city. Moreover, such establishments are incompatible with uses characterized by family and youth-related activities. The purpose of this chapter is, therefore, to prevent such deleterious effects and thus, protect the public health, safety and general welfare by regulating the location and certain other aspects of Adult Business Establishments.

Section 5.9.2 Definition

"**Adult Business Establishment**" means and includes any retail business, including but not limited to, any book store, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade or theater which:

- (a) Customarily exhibits motion pictures or displays any other visual representation described or advertised as being "X-Rated" or "For Adults Only" or which customarily excludes persons from any portion of the premises by reason of immaturity of age by use of such or similar phrases; or
- (b) Is adjudged to be a violation of 17 M.R.S.A. ss. 2911, 2912; or
- (c) Keeps for public patronage or permits or allows the operation of any adult amusement device such as sexual aids, toys, and devices; or
- (d) Keeps for public patronage, any sexually explicate material such as books, films, video tapes, audio tapes which display or depicts sex organs during actual or simulated sexual intercourse or sexual acts.

"**Customarily**" means more often than an average of one (1) calendar week during any thirty (30) day period.

"**Residential Zone**" is the following Zoning Districts, High Density Residential and Moderate Density Residential as defined in Title 31, Chapter 7 ss. 3202 of M.R.S.A.

"**Church**" is a place or structure whose primary use is for public religious services or assembly

CITY OF GARDINER CODE

by a person or organization with Tax Exempt Status.

Section 5.9.3 Prohibition

Adult Business Establishments shall be permitted only in Planned Industrial and Commercial Districts provided that such establishments, but for this chapter, would otherwise be permitted therein, and subject to the following special requirements:

5.9.3.1 Such establishment shall be at least one thousand (1,000) feet from any other Adult Business Establishment, and at least one thousand (1,000) feet from a Residential Zone, at least one thousand (1,000) feet from a church, all schools, child care facilities and playground or recreation areas, as measured in a straight line, without regard to intervening structures or objects.

5.9.3.2 No sexually explicit materials, entertainment or activity shall be visible from the exterior of the premises.

5.9.3.3 No person, firm or corporation shall operate an adult business establishment without first obtaining a license. Applications for license will be made to the municipal officers on the forms provided by them and shall include a fee in the amount as set forth in the schedule of fees adopted by the City Council. ~~Applications must be accompanied by a fee of \$250.00.~~ Licenses shall be renewed annually and at least 30 days prior to the anniversary date of the license. The city council may, after hearing preceded by notice to interested parties, suspend or revoke any adult business establishment license which has been issued under this ordinance on the ground that the entertainment so permitted constitutes a detriment to the public health, safety, or welfare or violates any municipal ordinances or regulations. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Superior Court.

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Section 5.9.4 Penalty

Any person violating any provision of this chapter shall be punished by a fine not exceeding **five hundred dollars (\$500.00)** for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

CITY OF GARDINER CODE

CHAPTER 5.10

MarijuanaCannabis Establishment Licensing Ordinance³

SECTION

- 5.10.1 Authority
- 5.10.2 License Required
- 5.10.3 Term of License
- 5.10.4 Licensing Procedures
- 5.10.5 First-Time License Application
- 5.10.6 Renewal License Applications
- 5.10.7 Renewal License Application Involving an Expansion or Relocation of the Facility
- 5.10.8 Fees
- 5.10.9 Definitions
- 5.10.10 Amendments
- 5.10.11 Severability and Validity

Section 5.10.1 Authority

This ordinance is adopted by the City under its home rule authority, Title 30-A M.R.S. Section 3001 and in accordance with the provisions of Title 28-B M.R.S. Chapter 1 Subchapter 4 which authorizes municipal regulation of adult use marijuanacannabis establishments and Title 22 M.R.S. Chapter 558-C Section 2429-D which authorizes municipal regulation of medical cannabismarijuana establishments.

Section 5.10.2 License Required

No marijuana cannabis-establishment as defined in this ordinance shall operate within the City of Gardiner unless the establishment is currently licensed by the City in accordance with the provisions of this ordinance.

Section 5.10.3 Term of License

A license for a cannabis marijuana-establishment shall be valid for one year from the date that the license is approved by the City Council unless otherwise specifically limited by vote of the City Council. The City Council may approve a license for less than one year to coordinate state and City licensing timeframes or as a conditional license to allow an applicant to address conditions of approval on the license.

Section 5.10.4 Licensing Procedures

³Adopted 03.25.2020, Amended 9/2/2020

CITY OF GARDINER CODE

Applications for a cannabismarijuana establishment license shall be processed and reviewed according to the following procedures.

5.10.4.1 Application Submission

An application for a cannabismarijuana establishment license shall be submitted to the City Clerk. Applications for renewal of a license or for the renewal of a license involving the expansion or relocation of the establishment must be submitted at least forty-five (45) days prior to the expiration of the current license. The application must include all of the materials set forth in the submission requirements of Section 5.10.5, 5.10.6 or 5.10.7 depending on the type of application.

5.10.4.2 Review of Application for Completeness

The City Manager or her/his designee shall review the application for completeness in accordance with the submission requirements of Section 5.10.5, 5.10.6 or 5.10.7. If the City Manager or her/his designee finds the application to be complete, he/she shall notify the City Clerk that the application should be advertised for public hearing and placed on the City Council's agenda. If the City Manager or his/her designee finds that the application is not complete, he/she shall notify the applicant of the additional materials required. Upon receipt of additional information the City Manager or her/his designee shall repeat the process until the application is deemed to be complete. An application shall not be advertised for public hearing or scheduled for City Council consideration until the application is found to be complete.

5.10.4.3 Public Hearing

The City Council shall hold a public hearing on a completed application for a cannabismarijuana establishment license. The notice of the public hearing shall be posted in accordance with City procedures and shall be advertised in a newspaper that is widely circulated in the City at least seven (7) days prior to the public hearing. The notice shall include the date, time and location of the hearing together with the name of the applicant, the type of cannabismarijuana establishment for which the license is sought and the location of the establishment identified by both street address and Tax Map and Lot number.

5.10.4.4 Council Action

Within thirty (30) days of the public hearing, the City Council shall review the application for conformance with the applicable standards set forth in Section 5.10.5, 5.10.6 or 5.10.7 depending on the type of licensing. The City Council shall make findings of fact as to the application's conformance with the standards of approval. The Council shall act to approve the granting of the license, to deny the granting of the license, or to approve the granting of the license with conditions. The Council may grant conditional approval of a license for a period of less than one year. When an application involves the renewal and relocation of an existing license, the City Council may allow for an overlap of up to ninety (90) days between the existing license and the renewal license to allow for the preparation of the new facility. When the City

CITY OF GARDINER CODE

Council allows overlapping licenses, no retail sales shall occur at the new location until retail sales at the prior location have ceased.

Section 5.10.5 First-Time License Application

An application for a new cannabismarijuana establishment license shall be processed and reviewed in accordance with the following:

5.10.5.1 Submission Requirements

An application for a cannabismarijuana establishment license for an establishment that is not currently licensed by the City of Gardiner shall include all of the following information:

5.10.5.1.1 A completed and signed application form (provided by the City)

5.10.5.1.2 The appropriate annual license fee for the type of facility in accordance with the schedule of fees set forth in Section 5.10.8.

5.10.5.1.3 If the application is for an adult use cannabismarijuana establishment, written evidence that the applicant has received a state conditional license for the type of facility proposed.

5.10.5.1.4 If the application is for a medical cannabismarijuana establishment, written evidence that applicant has obtained all state approvals for the type of facility proposed.

5.10.5.1.5 A copy of the Planning Board's notice of decision approving the facility in accordance with the Land Use Code. If the Planning Board's approval included any conditions of approval, written documentation setting forth how those conditions have been or will be met.

5.10.5.1.6 A written report prepared by the Code Enforcement Officer documenting the proposals compliance with all applicable land use, building, plumbing and electrical codes. If the report of the Code Enforcement Officer identifies any areas of noncompliance, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.5.1.7 A written report prepared by the Fire Chief documenting the proposals compliance with all applicable fire and life safety codes. If the report of the Fire Chief identifies any areas of noncompliance, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.5.1.8 A written report prepared by the Police Chief addressing the adequacy of provisions to provide for the security of the establishment and to avoid any potential for nuisances from the use of the establishment. If the report of the Police Chief identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

CITY OF GARDINER CODE

5.10.5.1.9 If the proposed establishment will discharge to the public sewer system, a written report prepared by the Superintendent of the Wastewater Treatment System addressing the potential implications of discharging wastewater to the sewer system and providing treatment for this material including the need for any pre-treatment of discharges. If the report of the Superintendent identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.5.2 Approval Standards

The City Council shall approve an application for a new cannabismarijuana establishment license only if it finds that all of the following standards are met or will be met as a result of conditions of approval applied to the license:

5.10.5.2.1 The applicant has obtained a conditional license for the proposed adult-use cannabismarijuana establishment or approval for the proposed medical cannabismarijuana establishment from the State of Maine.

5.10.5.2.2 The proposed establishment conforms or will conform to the approval of the Planning Board including any conditions of approval prior to receiving City authorization to open.

5.10.5.2.3 The proposed establishment conforms or will conform to the all applicable land use, building, plumbing and electrical codes prior receiving City authorization to open.

5.10.5.2.4 The proposed establishment conforms or will conform to the all applicable fire and life safety codes prior receiving City authorization to open.

5.10.5.2.5 The applicant has made or will make adequate provisions to provide for the security of the establishment and to avoid any potential for nuisances from the use of the establishment prior receiving City authorization to open.

5.10.5.2.6 The proposed establishment will not discharge effluent or process water to the public sewer system that will exceed the capacity of the system to transport and treat the material and that any requirements for pre-treatment or limits on the quantity of quality of discharges will be met.

Section 5.10.6 Renewal License Applications

An application for the renewal of a cannabismarijuana establishment license shall be processed and reviewed in accordance with the following:

5.10.6.1 Submission Requirements

CITY OF GARDINER CODE

An application for the renewal of a cannabismarijuana establishment license that is currently licensed by the City of Gardiner and that will occupy the same space as existing operation shall include all of the following information:

5.10.6.1.1 A completed and signed application form (provided by the City)

5.10.6.1.2 The appropriate annual license fee for the type of facility in accordance with the schedule of fees set forth **in Section 5.10.8.**

5.10.6.1.3 If the application is for an adult use cannabismarijuana establishment, written documentation that the applicant has applied for a renewal of its state license.

5.10.6.1.4 If the application is for a medical cannabismarijuana establishment, written evidence that applicant has obtained all state approvals for the type of facility proposed.

5.10.6.1.5 A written report prepared by the Code Enforcement Officer documenting the establishment's ongoing compliance with all applicable land use, building, plumbing and electrical codes. The report shall identify any enforcement actions or other concerns during the prior year. If the report of the Code Enforcement Officer identifies any areas of noncompliance or concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.6.1.6 A written report prepared by the Fire Chief documenting the establishment's on-going compliance with all applicable fire and life safety codes. The report shall include the results of any inspections performed by the department and records of all calls for service during the prior year and the reason for each call. If the report of the Fire Chief identifies any areas of noncompliance or concern about use of the fire service, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.6.1.7 A written report prepared by the Police Chief documenting the ongoing adequacy of provisions to provide for the security of the establishment and to avoid any potential for nuisances from the use of the establishment. The report of the Police Chief shall document the number of calls for service and the reason for the calls during the prior year. If the report of the Police Chief identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.6.1.8 If the establishment discharges to the public sewer system, a written report prepared by the Superintendent of the Wastewater Treatment System addressing the impacts of the wastewater on the sewer system and sewage treatment plant including compliance with any pre-treatment requirements or limitations on the volume of discharges. If the report of the Superintendent identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

CITY OF GARDINER CODE

5.10.6.2 Approval Standards

The City Council shall approve an application for the renewal of a cannabismarijuana establishment license only if it finds that all of the following standards are met or will be met as a result of conditions of approval applied to the license:

5.10.6.2.1 The applicant has applied to the State of Maine for the renewal of its adult-use cannabismarijuana establishment license or approval as a medical cannabismarijuana establishment.

5.10.6.2.2 The applicant has addressed any complaints or violations with respect to all applicable land use, building, plumbing and electrical codes during the prior year in a timely manner to the satisfaction of the Code Enforcement Officer and the establishment is or will be in conformance with all applicable code requirements.

5.10.6.2.3 The applicant has addressed any complaints or violations with respect to all applicable fire protection and life safety codes during the prior year in a timely manner to the satisfaction of the Fire Chief and the establishment is or will be in conformance with all applicable code requirements.

5.10.6.2.4 The applicant has addressed any complaints or violations with respect to provisions for the security of the establishment and to avoid nuisances from the use of the establishment during the prior year in a timely manner to the satisfaction of the Police Chief and has made adequate provisions to prevent the recurrence of any problems.

5.10.6.2.5 If the establishment discharges to the public sewer system, the applicant has addressed any discharges of effluent or process water to the public sewer system that has exceeded the capacity of the system to transport and treat the material including any requirements for pre-treatment during the prior year to the satisfaction of the Superintendent of the Wastewater Treatment System and has made adequate provisions to prevent the recurrence of any problems.

Section 5.10.7 Renewal License Application Involving an Expansion or Relocation of the Facility

An application for the renewal of a cannabismarijuana establishment license that involves either the relocation of the establishment to a new location or the expansion of the facility shall be processed and reviewed in accordance with the following:

5.10.7.1 Submission Requirements

An application for the renewal of cannabismarijuana establishment license that is currently licensed by the City of Gardiner in which the location of the establishment is proposed to be changed or the size of the establishment increased shall include all of the following information:

CITY OF GARDINER CODE

5.10.7.1.1 A completed and signed application form (provided by the City)

5.10.7.1.2 The appropriate annual license fee for the type of facility in accordance with the schedule of fees set forth in Section 5.10.8.

5.10.7.1.3 If the application is for an adult use cannabismarijuana establishment, written documentation that the applicant has applied for renewal of its state license.

5.10.7.1.4 If the application is for a medical cannabismarijuana establishment, written evidence that applicant has applied for or obtained all state approvals for the type of facility proposed.

5.10.7.1.5 A copy of the Planning Board's notice of decision approving the relocated or expanded facility in accordance with the Land Use Code. If the Planning Board's approval included any conditions of approval, written documentation setting forth how those conditions have been or will be met.

5.10.7.1.6 A written report prepared by the Code Enforcement Officer documenting the existing facility's ongoing compliance with all applicable land use, building, plumbing and electrical codes. The report shall identify any enforcement actions or other concerns during the prior year.

5.10.7.1.7 A second written report prepared by the Code Enforcement Officer documenting the compliance of the proposal for a relocated or expanded facility with all applicable land use, building, plumbing and electrical codes. If the report of the Code Enforcement Officer identifies any areas of noncompliance, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.7.1.8 A written report prepared by the Fire Chief documenting the existing establishment's on-going compliance with all applicable fire and life safety codes. The report shall include the results of any inspections performed by the department and records of all calls for service during the prior year and the reason for each call. The report of the Fire Chief shall identify any areas of noncompliance or concern about the use of the fire service. The report shall also document the compliance of the proposal for a relocated or expanded facility with all applicable fire and life safety codes. If the report of the Fire Chief identifies any areas of noncompliance with the new or expanded establishment, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.7.1.9 A written report prepared by the Police Chief documenting the ongoing adequacy of provisions at the existing facility to provide for the security of the establishment and to avoid any potential for nuisances from the use of the establishment. The report of the Police Chief shall document the number of calls for service and the reason for the calls during the prior year. The report shall also review the proposal for a relocated or expanded facility. If the report of the Police Chief identifies any areas of

CITY OF GARDINER CODE

concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.7.1.10 If the existing establishment discharges to the public sewer system, a written report prepared by the Superintendent of the Wastewater Treatment System addressing the impacts of the wastewater on the sewer system and sewage treatment plant including compliance with any pre-treatment requirements or limitations on the volume of discharges. The report shall evaluate the potential implications of discharging wastewater to the sewer system and providing treatment for this material including the need for any pre-treatment of discharges from the relocated or expanded facility. If the report of the Superintendent identifies any areas of concern, the applicant shall provide a written response setting forth how the identified issues have been or will be addressed.

5.10.7.2 Approval Standards

The City Council shall approve an application for the renewal of a ~~cannabis marijuana~~ establishment license only if it finds that all of the following standards are met or will be met as a result of conditions of approval applied to the license:

5.10.7.2.1 The applicant has applied to the State of Maine for the renewal of its adult-use ~~cannabismarijuana~~ establishment license or approval as a medical ~~cannabismarijuana~~ establishment.

5.10.7.2.2 The proposed relocated or expanded establishment conforms or will conform to the approval of the Planning Board including any conditions of approval prior to receiving City authorization to open.

5.10.7.2.3 The applicant has addressed any complaints or violations with respect to all applicable land use, building, plumbing and electrical codes during the prior year in a timely manner to the satisfaction of the Code Enforcement Officer and the relocated or expanded establishment is or will be in conformance with all applicable code requirements.

5.10.7.2.4 The applicant has addressed any complaints or violations with respect to all applicable fire protection and life safety codes during the prior year in a timely manner to the satisfaction of the Fire Chief and the relocated or expanded establishment is or will be in conformance with all applicable code requirements.

5.10.7.2.5 The applicant has addressed any complaints or violations with respect to provisions for the security of the establishment and to avoid nuisances from the use of the establishment during the prior year in a timely manner to the satisfaction of the Police Chief and has made adequate provisions to prevent the recurrence of any such problems at the relocated or expanded establishment.

5.10.7.2.6 If the existing establishment discharges to the public sewer system, the applicant has addressed any discharges of effluent or process water to the public sewer

CITY OF GARDINER CODE

system that has exceeded the capacity of the system to transport and treat the material including any requirements for pre-treatment during the prior year to the satisfaction of the Superintendent of the Wastewater Treatment System and has made adequate provisions to prevent the recurrence of any such problems at the relocated or expanded location.

Section 5.10.8 Fees

An application for a license or renewal of a license for a ~~cannabismarijuana~~ establishment shall include an application fee in the amount as set forth in the schedule of fees adopted by the City Council.

This fee is nonrefundable and will be used to offset the City's costs in the review of the application and in the oversight with respect to conformance of the establishment with respect to the license and any conditions of approval.

Section 5.10.9 Definitions

~~Marijuana-Cannabis~~ Establishment: Any use or facility that is a Medical ~~CannabisMarijuana~~ Cultivation Facility – Tier 1 or Tier 2, a ~~Cannabis Marijuana~~ Cultivation Facility – Tier 3, a ~~Cannabis Marijuana~~ Cultivation Facility – Tier 4, a ~~Cannabis Marijuana~~ Products Manufacturing Facility, a ~~Cannabis Marijuana~~ Testing Facility, a ~~Cannabis Marijuana~~ Retail Store, a Medical ~~Cannabis Marijuana~~ Registered Caregiver Retail Store, a Medical ~~Cannabis Marijuana~~ Registered Dispensary, or a ~~Cannabis Marijuana~~ Nursery Cultivation Facility as defined by this ordinance.

~~Medical Cannabis Marijuana~~ Cultivation Facility – Tier 1: An establishment registered with the State of Maine for the cultivation of medical ~~marijuana-cannabis~~ by a Registered Caregiver in accordance with the rules established under Title 22 M.R.S. Chapter 558-C that involves the growing of not more than thirty (30) mature ~~marijuana-cannabis~~ plants, not more than sixty (60) immature ~~cannabismarijuana~~ plants and any number of ~~marijuana-cannabis~~ seedlings.

~~Medical CannabisMarijuana~~ Cultivation Facility – Tier 2: An establishment registered with the State of Maine for the cultivation of medical ~~marijuana-cannabis~~ in accordance with the rules established under Title 22 M.R.S. Chapter 558-C that involves the growing of mature ~~cannabismarijuana~~ plants with a plant canopy of not more than two thousand (2,000) square feet.

~~CannabisMarijuana~~ Cultivation Facility – Tier 3: An establishment licensed by the State of Maine for the cultivation of medical ~~marijuana-cannabis~~ in accordance with the rules established under Title 22 M.R.S. Chapter 558-C and/or licensed by the State of Maine for the cultivation of adult use ~~cannabismarijuana~~ in accordance with the rules established under Title 28-B M.R.S. Chapter 1 that involves the growing of mature ~~marijuana-cannabis~~ plants with a plant canopy of more than two thousand (2,000) but not more than seven thousand (7,000) square feet.

CITY OF GARDINER CODE

CannabisMarijuana Cultivation Facility – Tier 4: An establishment licensed by the State of Maine for the cultivation of medical marijuana-cannabis in accordance with the rules established under Title 22 M.R.S. Chapter 558-C and/or licensed by the State of Maine for the cultivation of adult use cannabismarijuana in accordance with the rules established under Title 28-B M.R.S. Chapter 1 that involves the growing of mature cannabismarijuana plants with a plant canopy of more than seven thousand (7,000) square feet.

CannabisMarijuana Products Manufacturing Facility: An establishment licensed by the State of Maine as a Tier 1 or Tier 2 medical cannabismarijuana products manufacturing facility in accordance with the rules established under Title 22 M.R.S. Chapter 558-C and/or licensed by the State of Maine as an adult use cannabismarijuana products manufacturing facility in accordance with the rules established under Title 28-B M.R.S. Chapter 1.

CannabisMarijuana Testing Facility: An establishment licensed by the State of Maine as a medical cannabismarijuana testing facility in accordance with the rules established under Title 22 M.R.S. Chapter 558-C and/or licensed by the State of Maine as an adult use cannabismarijuana testing facility in accordance with the rules established under Title 28-B M.R.S. Chapter 1.

CannabisMarijuana Retail Store: An establishment licensed by the State of Maine as an adult use cannabismarijuana store in accordance with the rules established under Title 28-B M.R.S. Chapter 1.

Medical CannabisMarijuana Registered Caregiver Retail Store: An establishment licensed by the State of Maine as an Medical CannabisMarijuana Registered Caregiver Retail Store in accordance with the rules established under Title 22 M.R.S. Chapter 558-C.

Medical CannabisMarijuana Registered Dispensary: An establishment licensed by the State of Maine as an Registered Medical CannabisMarijuana Dispensary in accordance with the rules established under Title 22 M.R.S. Chapter 558-C.

CannabisMarijuana Nursery Cultivation Facility: An establishment licensed by the State of Maine as an adult use nursery cultivation facility in accordance with the rules established under Title 28-B M.R.S. Chapter 1.

CannabisMarijuana Plant – Immature: A cannabismarijuana plant that is not a mature cannabismarijuana plant or a cannabismarijuana seedling.

CannabisMarijuana Plant – Mature: A cannabismarijuana plant that is flowering.

Cannabis Marijuana-Seedling: A cannabismarijuana plant that is not flowering, is less than six (6) inches high and less than six (6) inches in width.

Section 5.10.10 Amendments

CITY OF GARDINER CODE

The City Council may amend this ordinance at any time in accordance with the City's procedures for the adoption and amendment of an ordinance.

Section 5.10.11 Severability and Validity

If a court of law in the State of Maine finds a portion of this ordinance to be invalid for any reason or purpose, the balance of the ordinance shall remain in effect and shall continue to apply to ~~cannabismarijuana~~ establishments. If a court of law finds the entire ordinance invalid, that action shall automatically void the municipal opt-in provisions of Title 28-B M.R.S Chapter 1 Subchapter 4 which authorizes municipal regulation of adult use ~~cannabismarijuana~~ establishments and Title 22 M.R.S Chapter 558-C Section 2429-D which authorizes municipal regulation of medical ~~cannabismarijuana~~ establishments. In such case no new or expanded ~~cannabismarijuana~~ establishments shall be permitted in the City of Gardiner but ~~cannabismarijuana~~ establishments with a valid City license as of the date of any such legal action shall be allowed to continue to operate in accordance with that license and the City shall, if requested, certify to the State that an application for renewal of a state license or approval is in conformance with local requirements.

CITY OF GARDINER CODE

CHAPTER 5.11

Mobile Food Vending Units

SECTION

- 5.11.1 Authority and Purpose
- 5.11.2 Definitions
- 5.11.3 License and Inspections
- 5.11.4 General Requirements
- 5.11.5 Additional Requirements for Units Located on Public Streets
- 5.11.6 Additional Requirements for Units Located on Public Property
- 5.11.7 Additional Requirements for Units Located on Private Property
- 5.11.8 Enforcement; Violations
- 5.11.9 Severability

Section 5.11.1 Authority and Purpose

This ordinance entitled "Mobile Food Vending Units" is enacted pursuant to the City's home rule authority, as provided in 30-A M.R.S. § 3001, the Maine Constitution, Article VIII, Part Second, and 7 M.R.S. § 284, all as may be amended from time to time.

These provisions relating to mobile food vending units or food trucks are intended to provide opportunities for the operation of mobile food vending units in the city while assuring that these units locate and operate in a manner that protects the public safety and does not create unreasonable burdens on the community.

Section 5.11.2 Definitions

As used in this chapter, the following words have the meanings stated below:

Mobile Food Vending Unit (Food Truck): A motor vehicle or trailer that is licensed to operate on public roads and that is designed and used to sell or otherwise dispense prepared food or beverages directly to consumers.

Section 5.11.3 License and Inspections

The owner or operator of a mobile food vending unit shall obtain a license from the Code Enforcement Officer prior to locating and/or operating the unit within the City of Gardiner. The Code Enforcement Officer shall issue a license only if she/he finds that the location and operation of the unit will be in conformance with the requirements of this Chapter and the Land Use Code if applicable and that the owner/operator has obtained all required state approvals or permits and a victualler's license from the City of Gardiner. The application shall include a fee in the amount as set forth in the schedule of fees adopted by the City Council.

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~~The owner or operator of a unit may apply for a license for one of the following time periods upon payment of the appropriate fee:~~

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~~5.11.3.1A three day license (see Section 5.11.6.1) —\$20 fee~~

CITY OF GARDINER CODE

~~5.11.3.2 An annual calendar year license—\$100 fee~~

The Code Enforcement Officer in conjunction with the Police Department shall periodically inspect the location and operation of a licensed unit to assure that the requirements of this Chapter are being met.

Section 5.11.4 General Requirements

A mobile food vending unit that locates and/or operates in the City of Gardiner shall conform to the following requirements:

5.11.4.1 The owner/operator of the unit shall provide the Code Enforcement Officer with evidence of liability insurance coverage in an amount of at least \$1,000,000

5.11.4.2 If the unit will be located or operated on a public street or other public property the owner/operator shall provide the Code Enforcement Officer with evidence that the City is named as an additional insured on the liability insurance policy.

5.11.4.3 The owner/operator shall provide covered receptacles for the collection of trash and other wastes.

5.11.4.4 The owner/operator shall remove and dispose of all trash, garbage and other wastes on a daily basis. No trash, garbage or other wastes shall be stored outside of the unit.

5.11.4.5 The owner/operator shall not broadcast amplified music or commercial messages from the unit while the unit is parked for an extended period on a public street or other public property or located on private property.

Section 5.11.5 Additional Requirements for Units Located or Operated on Public Streets.

A mobile food vending unit that is located and/or operated on a public street shall conform to the following additional requirements:

5.11.5.1 The unit that operates from a location for an extended period shall be located in a legal parking space or spaces on one of the following streets:

- (a) Water Street between Church Street and Chestnut Street
- (b) Arcade Street
- (c) Mechanic Street
- (d) Maine Avenue
- (e) Summer Street
- (f) The south side of Dresden Ave between Church Street and School Street
- (g) Enterprise Avenue
- (h) Prescott Street
- (i) Technology Drive
- (j) River Avenue

The City Council may permit a mobile unit to be located on other public streets in conjunction with public or community event or activity.

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CITY OF GARDINER CODE

5.11.5.2 The location of the unit shall comply with all applicable parking requirements unless otherwise approved by the Chief of Police.

5.11.5.3 The placement or stopping of a unit shall not obstruct normal traffic flow on the street nor require vehicles to deviate from normal traffic lanes.

5.11.5.4 A unit shall be parked or stopped so that customers can be served while standing on a sidewalk or otherwise outside of the travelway of the street.

5.11.5.5 A unit shall not be in place or operated between the hours of 11:00 PM and 6:00 AM and shall be removed from public streets in the City of Gardiner every night.

5.11.5.6 A unit or customers patronizing a unit shall not obstruct pedestrian movement on any sidewalk or pedestrian path.

5.11.5.7 The site shall be broom-cleaned when the unit is removed. All trash or debris shall be picked up and removed.

Section 5.11.6 Additional Requirements for Units Located on Public Property

A mobile food vending unit that is located and/or operated on public property other than a public street shall conform to the following additional requirements:

5.11.6.1 A mobile vending unit that is located or operated in conjunction with a festival or other community event that has received a permit from the City Council shall conform to the requirements of the organizers of the event including the payment of any fees. Units placed on City property in conjunction with a City approved festival or event may be installed up to three (3) days prior to the start of the event and shall be removed within two (2) days after the conclusion of the event under a three-day license if allowed by the organizers of the festival or event. Units shall be operated only during the duration of the festival or event and shall be parked in locations designated by the organizer.

5.11.6.2 A mobile vending unit that is not part of a City approved festival or other community event that is located on public property shall conform to the following requirements:

5.11.6.2.1 A unit at Waterfront Park shall be located in the row of passenger vehicle parking spaces furthest from the river unless an alternative location is approved by the Code Enforcement Officer.

5.11.6.2.2 A unit shall be placed on public property other than a street or Waterfront Park only with prior approval of the City Manager or City Council and shall be placed in the location designated by the City Manager.

5.11.6.2.3 A unit shall be parked so that customers can be served while standing outside of the travelway of the street, access road or parking lot aisle.

5.11.6.2.4 A unit shall not be in place between the hours of 11:00 PM and 6:00 AM and shall be removed from public property every night.

5.11.6.2.5 A unit or customers patronizing a unit shall not obstruct pedestrian movement on any sidewalk or pedestrian path.

5.11.6.2.6 The site shall be cleaned daily and when the unit is removed. All trash or debris shall be picked up and removed.

CITY OF GARDINER CODE

Section 5.11.7 Additional Requirements for Units Located on Private Property

A mobile food vending unit that is located and/or operated on private property shall conform to the following additional requirements:

5.11.7.1 The property on which a unit will be placed is located in a zoning district that allows mobile food vending units. The City Council may permit a mobile unit to be located on private property in other zones in conjunction with public or community event or activity.

5.11.7.2 The owner or operator of the unit must have the written permission of the property owner.

5.11.7.3 A unit may be located in an off-street parking space(s) on the lot.

5.11.7.4 If a unit is not located in an off-street parking space or other part of a parking lot, the placement of the unit shall conform to the setback requirements of the district in which it is located.

5.11.7.5 A unit shall not be located on a lot for more than one hundred eighty (180) days in any calendar year.

5.11.7.6 The unit shall not be open for business between 11:00 PM and 6:00 AM.

Section 5.11.8 Enforcement; Violations

This ordinance shall be enforced by the Code Enforcement Officer. Violation of this ordinance shall be a civil violation subject to a fine of not less than \$100 dollars nor more than \$250 dollars for each offense. Each act of violation and every day that any such violation shall occur shall constitute a separate offense. In addition to the fines provided herein, the City may seek any other relief or remedy available, including but not limited to injunctive relief or abatement regarding any violation of this ordinance. The owner or operator of a mobile food vending unit that has been found to be in violation of the ordinance more than twice may be denied future licenses to locate or operate a mobile food vending unit in the City of Gardiner.

Section 5.11.9 Severability

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

CITY OF GARDINER CODE

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 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 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.

11.2.7.2.5 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.

11.2.7.2.6 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.

11.2.7.2.7 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.

11.2.7.3 Camping or otherwise staying overnight in any city park or on any city property is prohibited with the exception of a permit for an overnight wharf float.

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

11.2.7.5 Removal of watercraft from Boat Landing Facility and Wharf. The harbor master

CITY OF GARDINER CODE

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:

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. 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 a limit of one consecutive night. Cost for overnight permit is listed on the [city-fee schedule of fees adopted by the City Council](#). There will be no requirement for permits for day use of the wharf float.

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

CITY OF GARDINER CODE

to one two-hour tie-up in any eight-hour period.

11.2.7.7 Penalties.

11.2.7.7.1 Unless a greater penalty is specifically provided in this chapter or in an applicable provision of the Maine Revised Statute, any person violating any provision of this chapter shall be punished by a fine not less than \$25.00 nor more than \$100.00 for each violation. Any fine imposed under this section shall not preclude, and shall be in addition to, any other civil remedies that may be available to the city.

11.2.7.7.2 The harbor master or his authorized representative is authorized to accept a waiver of rights under section 11.2.7 and accept \$25.00.

11.2.7.7.3 It shall be prima facie evidence that the person in whose name the vessel is registered, unlawfully moored said vessel found in violation of section 11.2.7.

11.2.7.7.4 A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

11.2.7.8 Immobilization

11.2.7.8.1 Any vessel which has accumulated one (1) or more notices of violation of section 11.2.7 for which there has been neither payment of waiver fees nor issuance of court process and which is moored in violation of section 11.2.7 may, at the option of any person authorized to enforce the provisions of section 11.2.7, be immobilized in place until all waiver fees established pursuant to 30 M.R.S.A. Section 2151, for all such outstanding notices of violation have been paid or until the requirements of Section 11.2.7.7.2 or 11.2.7.7.3 have been met.

11.2.7.8.2 Any person having the means to release such immobilized vessel shall not release it until the individual requesting its release presents satisfactory evidence of his or her right to possession and signs a receipt therefor, and:

- (a) The harbor master or his duly authorized representative certifies that all waiver fees have been paid; or
- (b) Until the harbor master or his duly authorized representative shall certify the posting of a bond equal to the total of all previously accumulated waiver fees which should have been remitted for said overdue notices or violation; or
- (c) Upon certification of the harbor master or his or her authorized representative that such person has both:
 - (i) Demonstrated that he or she is unable to pay the accumulated waiver fees by reason of poverty, having provided satisfactory proof of such status; and
 - (ii) Accepted service of process initiating a court proceeding to determine his or her liability for the prescribed penalty for such alleged violations.

CITY OF GARDINER CODE

11.2.7.8.3 Whenever any person requests the right to post bond pursuant to Section 11.2.7.8.2.b, such bond shall be given in cash and a receipt given therefor. Such bond money shall be refunded in the amount of the waiver fee for each alleged violation upon acceptance by such person of service of process initiating a court proceeding to determine his or her liability for the prescribed penalty for such alleged violation. Any bond shall be forfeited unless the person posting it requests and accepts service of such process from the harbor master or his or her designated representative within thirty (30) days of posting unless prevented from doing so by the actions or inaction of the City of Gardiner.

11.2.7.8.4 It shall be unlawful for any person to tamper with or to attempt to remove any immobilizing device attached to a vessel. Notwithstanding other penalty provisions contained in these regulations, the penalty for any such violation shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

Section 11.2.8 Unlawful Camping

11.2.8.1 Purpose

It is the purpose of this ordinance to prevent harm to the health or safety of the public and to promote the public health, safety, and welfare by making public streets, parks, or any publicly-owned area readily accessible to the public for their intended purpose, and to prevent use of public property, parks, and streets for camping purposes which interferes with the rights of others to use the areas for which they were intended.

11.2.8.2 Definitions

"Camp" or "Camping" means to pitch, create, use or occupy camp facilities for the purpose of habitation, as evidenced by the use of camp paraphernalia.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles, if a vehicle is being used for habitation purposes.

"Camp paraphernalia" includes, but is not limited to tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, operational cooking facilities, and similar equipment.

"Habitation" means the intentional use of a space as temporary or permanent living quarters.

"Park" means those grounds and facilities generally covered by Chapter 3 of the Gardiner Municipal Code.

"Street" means any highway, street, public right-of-way, alley, or every place in the City that is publicly owned or maintained for public vehicular travel. The term also includes publicly maintained sidewalks.

11.2.8.3 Unlawful Camping

CITY OF GARDINER CODE

It shall be unlawful for any person to camp in the following areas:

- (a) Any park
- (b) Any street
- (c) Any publicly owned or maintained parking lot or other publicly owned or maintained area, property or facility.
- (d) It shall be an affirmative defense under this chapter for any person, without the purpose of habitation, to temporarily occupy and use a vehicle for emergency reasons such as escape from or avoidance of an abusive person(s), avoidance of driving a vehicle while under the influence of alcohol or drugs and other similar purposes, even though the person may sleep during the period of that use.
- (e) The City Council may allow camping, on public property as part of a duly issued Special Events Permit. (See Special Events Ordinance 1.4.4 for more information.)

11.2.8.4 Recreational Vehicles

This chapter shall not apply to the use of motor homes for a continuous period up to 48 hours where such vehicle contains onboard, self-contained toilet and sanitation facilities, which are in working order.

CITY OF GARDINER CODE

TITLE 13

HEALTH AND SAFETY

CHAPTER

- 13.1** Civil Defense and Public Safety
- 13.2** Fire Department
- 13.3** Disorderly Conduct
- ~~**13.4** Alarm Systems~~
- 13.5** Fire Prevention
- 13.6** Snow Removal
- 13.7** Addressing Ordinance⁴
- 13.8** Ambulance Service Advisory Board
- 13.9** Sale, Use and Possession of Fireworks
- 13.10** Blasting

CHAPTER 13.1

Civil Defense and Public Safety

SECTION

- 13.1.1 Organization for Civil Defense and Public Safety

Section 13.1.1 Organization for Civil Defense and Public Safety

13.1.1.1 There is hereby created an organization for civil defense and public safety, in accordance with the state civil defense and public safety plan and program. The mayor with the advice and consent of the city council shall appoint a director of civil defense, who shall have direct responsibility for the organization, administration and operation of such organization for civil defense and public safety, subject to the direction and control of the mayor.

13.1.1.2 The organization for civil defense and public safety shall function in compliance with chapter 12 of the 1954 Revised Statutes.

⁴Ordinance No. 95-13, adopted May 15, 1995. Revised December 19, 2018.

CITY OF GARDINER CODE

CHAPTER 13.4

Alarm Systems

SECTION

- ~~13.4.1~~ General
- ~~13.4.2~~ Permits
- ~~13.4.3~~ Approval, Inspection, Maintenance, Operation and Revocation
- ~~13.4.4~~ Transmission of Non-emergency Alarms
- ~~13.4.5~~ Fines and Penalties
- ~~13.4.6~~ Savings Clause
- ~~13.4.7~~ Existing Systems

Section 13.4.1 — General

~~13.4.1.1 Title. This ordinance shall be known and may be cited as the "Alarm Systems Ordinance of the City of Gardiner, Maine."~~

~~13.4.1.2 Purpose. The purpose of this ordinance is to establish appropriate guidelines for the installation of alarm systems for notification of the City of Gardiner's Communications Center.~~

~~13.4.1.3 Definitions. For the purposes of this ordinance, certain terms or words used herein shall be interpreted or defined as follows:~~

~~**Alarm System:** A system including any mechanism, equipment or device designed to automatically transmit or cause the transmission of a signal, message or warning from a private facility to any of the city's public alarm systems or to the communications center, or to cause the activation of an audible device whose purpose or result is to obtain emergency response by either Fire or Police Department.~~

~~**Permanently Connected Alarm System:** An alarm system which transmits a signal to the communications center or other location by means of a wire or cable connection or radio equipment which is used only or primarily for that purpose.~~

~~**Telephonic Alarm System, or "Dialer":** An alarm system which operates automatically through the use of public telephone facilities to connect to a telephone within the communications center or other location.~~

~~**Audible Alarm System:** An alarm system which causes an audible signal to sound at or near the alarm premises, for the purpose of obtaining emergency response by either/or Fire or Police Departments.~~

~~**Non-emergency Alarms:** Signals transmitted by an alarm system as a result of human error or equipment malfunction.~~

Section 13.4.2 — Permits

CITY OF GARDINER CODE

~~13.4.2.1 No person shall operate or maintain an alarm system as defined in Section 13.4.1 without first obtaining a permit.~~

~~13.4.2.2 The city manager shall be authorized to institute such guidelines as he deems desirable for determining the installation procedures for alarm systems.~~

~~13.4.2.3 Applications for permits to install, maintain or operate an alarm system shall be filed with the city manager, or his designee, on forms supplied by the city. Said application shall set forth the name, address, and telephone number of both the installer of the system and the person or business on whose premises the system will be installed, as well as a description of the system and the location where it is proposed to be installed. The application shall also set forth the name, address and telephone number of at least three individuals who have keys or access to the premises and/or alarm equipment. Permits shall be renewed annually, on the same form as is used for the original application and person applying for renewal shall indicate thereon any changes in the information already supplied.~~

~~13.4.2.4 The application fee for a permanently connected alarm system shall be one hundred dollars (\$100.00), and the renewal fee for such permit shall be one hundred dollars (\$100.00).~~

~~13.4.2.5 The application fee for a telephonic alarm system permit shall be twenty dollars (\$20.00), and renewal fee for such permit shall be twenty dollars (\$20.00).~~

~~13.4.2.6 There shall be no application fee or renewal fee for a permit for an audible alarm system.~~

~~13.4.2.7 There shall be no rebate of the application or renewal fee for alarms disconnected during the permit period.~~

~~13.4.2.8 The application date shall be considered to be from the first of July of each year. A pro-rated application fee shall be charged for part of a year.~~

Section 13.4.3 — Approval, Inspection, Maintenance, Operation and Revocation

~~13.4.3.1 The city manager shall approve such application, if he finds that said alarm system will not interfere with the orderly conduct of city business; and that the person installing the system maintains an adequate service organization to repair, maintain or otherwise service alarm systems sold, leased or installed by him.~~

~~13.4.3.2 The city manager may impose other reasonable conditions on the exercise of said permits and shall retain final authority to decide the reasonableness of any other conditions.~~

~~13.4.3.3 The city manager, or his designee, shall have the sole right to inspect, or cause to be inspected by the system installer, any alarm system on premises where it is intended to function prior to issuance of any permit for operation of such system, and he may inspect or cause an inspection, by the system installer or individual qualified in alarm systems installation, of such~~

CITY OF GARDINER CODE

system at any time after the issuance of a permit to determine whether it is being used in conformity with the terms of the permit and the provisions of this ordinance.

~~13.4.3.4 No person shall install, operate or maintain a telephonic alarm system which automatically transmits or causes transmission of a signal, message or warning to the city's communications center telephone lines, except to such telephone number or numbers as designated by the permit issued under the provisions of this ordinance. The city manager may refuse to issue a permit for such a system if in his opinion the existing telephone capacity of the communications center is not sufficient to accommodate the new system. No more than ten such permits shall be issued for each available incoming telephone line at the communications center or other reception point. Furthermore, no such system shall be designed or adjusted to make more than two (2) calls per incident to the communications center.~~

~~13.4.3.5 The city manager may revoke any permit issued pursuant to the provisions of this ordinance, after giving written notice to the permit holder and an opportunity for the permit holder to be heard, if he determines that the alarm system installed pursuant to said permit has been installed, maintained, or operated in violation of the provisions of this ordinance, or of any term or condition of said permit, or for failure to pay any fee specified in Section 13.4.2.~~

~~Section 13.4.4 — Transmission of Non-emergency Alarms~~

~~13.4.4.1 Any permit holder whose system causes the transmission of a non-emergency alarm more than two (2) times in any one calendar year shall pay a fine as described in Section 13.4.5 for each instance of a non-emergency alarm in excess of two (2) such alarms in any one calendar year.~~

~~13.4.4.2 Any permit holder whose system causes the transmission of two or more non-emergency alarms within a twenty-four hour period shall, upon request, immediately disconnect the system and shall not reconnect it until it has been inspected in accordance with Section 13.4.2 of this ordinance.~~

~~13.4.4.3 If after reasonable effort the city is unable to locate and notify the permit holder or installer of a system which has transmitted two or more non-emergency alarms within a twenty-four hour period, the city shall have the right to disconnect the system from the communications center without prior notice to the permit holder. The city shall make a reasonable effort to notify the permit holder by mail of any action taken under this section.~~

~~13.4.4.4 Upon receipt of an alarm message or signal from an alarm system for which a permit has been issued under this ordinance, and subject to the availability of manpower and equipment, the city will dispatch representatives of either Fire or Police Department to the alarm location to take appropriate action. If the premises in which the alarm system is installed appear to be secure and there is no evidence to indicate that there is an emergency situation requiring the presence or action of either the Fire or Police Department, the city's obligation to the permit holder shall have been discharged upon the completion of one call to the permit holder, the system installer, or any of the individuals named on the permit application as required in Section 13.4.2 of this ordinance.~~

CITY OF GARDINER CODE

~~Section 13.4.5 — Fines and Penalties~~

~~13.4.5.1 Burglary alarms: three to ten — \$10.00 each call; eleven and up — \$20.00 each call. Fire alarms: three to ten — \$50.00 each call; eleven and up — \$100.00 each call. If payment of fines is not received in full within thirty (30) days of billing date, interest will be charged on the unpaid balance at the maximum rate established by the State Treasurer for unpaid taxes.~~

~~13.4.5.2 Whoever violates any of the provisions of this ordinance shall upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00).~~

~~Section 13.4.6 — Savings Clause~~

~~The invalidity of any provision of this ordinance shall not affect the validity of any other provision.~~

~~Section 13.4.7 — Existing Systems~~

~~13.4.7.1 The application fees required by Section 13.4.2 shall be waived for all permits issued prior to the effective date of this ordinance.~~

~~13.4.7.2 Permit applications for existing alarm systems must be filed within thirty (30) days after the effective date of this ordinance.~~

CITY OF GARDINER CODE

CHAPTER 10 Blasting

SECTION

- 13.10.1 Purpose
- 13.10.2 Applicability
- 13.10.3 Permit
- 13.10.4 Application Requirements
- 13.10.5 Standards and Requirements
- 13.10.6 Definitions

Section 13.10.1 Purpose

The purpose of this chapter is to protect the public's health, safety, and general welfare by assuring that City staff and officials, property owners in the vicinity of the blast site and the general public are aware of blasting operations within the City, without causing undue financial and administrative hardship to blasting operators.

Section 13.10.2 Applicability

This chapter shall apply to all blasting operations related to demolition, excavation, construction and development within the City.

Section 13.10.3 Permit

A blasting permit shall be obtained from the Code Enforcement Officer (CEO) prior to the commencement of any blasting activity. The CEO shall issue a permit only if he/she determines that the applicant will comply with the notice requirements and standards of this chapter. The application for a permit may be approved, approved with conditions or denied by the CEO.

Section 13.10.4 Application Requirements

An application for a blasting permit shall be submitted to the CEO not less than five (5) business days prior to the planned initiation of blasting activities. The application shall be made on a form provided by the City. The application shall include the following:

- (a) Name of applicant;
- (b) Name of property owner;
- (c) Name of the general contractor with overall responsibility for the project;
- (d) Name and qualifications of the person or company to perform the blasting;
- (e) Documentation of State of Maine certification;
- (f) Documentation of insurance;
- (g) Location of blasting operations, including a map of the subject property, and the blast area for which the permit is requested;
- (h) Estimate of the number of cubic yards of material to be removed by blasting;
- (i) Estimated number of blasts required to complete the blasting operation;
- (j) Description of the project for which the blasting is being undertaken;

CITY OF GARDINER CODE

- (k) Projected dates work is to be undertaken;
- (l) Evidence that notification has been published in a newspaper of general circulation at least ten (10) calendar days prior to the intended date of the commencement of the blasting operations;
- (m) Evidence that notification of property owners has been sent by United States Postal Service (USPS) certified mail at least ten (10) calendar days prior to the intended date of the commencement of the blasting operations;
- (n) Evidence that preblast surveys were offered to property owners;
- (o) Evidence that drinking water well tests were offered to property owners; and
- (p) ~~The permit shall include a fee in the amount as set forth in the schedule of fees adopted by City Council. The permit fee in accordance with the fee schedule adopted by the City Council.~~

Section 13.10.5 Standards and requirements.

All blasting shall be conducted in accordance with the following standards and requirements:

13.10.5.1 Hours of operation. Blasting operations, other than the actual blasting, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturday. The actual blasting shall not occur prior to 8:00 a.m., Monday through Saturday.

13.10.5.2 Property owner notification requirements. The applicant shall notify all landowners and the owners of any utilities including public water and sewer services within two hundred fifty (250) feet of the proposed blasting operation. Notice shall be sent by United States Postal Service (USPS) certified mail at least ten (10) calendar days prior to the intended date of the commencement of the blasting operations. The notice shall include the blasting schedule, a description of the blasting signals to be used during the operation, an address and telephone number where property owners may request further information and additional notification, information about the no-cost pre-blast survey, and an offer to provide further information, upon written request.

13.10.5.3 Newspaper notice publication requirements. The applicant shall publish a notice of the proposed blasting in a newspaper of general circulation at least ten (10) calendar days prior to the intended date of the commencement of the blasting operations. The newspaper notice shall include the blasting schedule, a description of the blasting signals to be used during the operation, and a mailing address and telephone number where anyone may request further information and additional notification about the time of blasts.

13.10.5.4 City notification requirements. After receiving a blasting permit, the blasting contractor or other responsible party shall notify the CEO when a blasting operation is planned. Such notification shall be received at least twenty-four (24) hours prior to the planned detonation and shall give the time of the planned detonation and the location where the blasting is to be done. The notification may be given orally over the telephone;

CITY OF GARDINER CODE

however, the burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

13.10.5.5 Additional property owner notification requirements. Prior to any blast, the person responsible for the blasting operation shall inform any property owner who has requested in writing to be so informed of the impending blast. Such notification shall be given by telephone twenty-four (24) hours prior to the blasting operation. The burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

13.10.5.6 Preblast survey requirements. The applicant shall offer to hire an independent firm to perform preblast surveys on all buildings within two hundred fifty (250) feet of the blasting area. The survey shall include a written description and either a video or photographic documentation of any preexisting conditions on the inside and outside of each building. At least three (3) documented attempts must be made to physically offer the survey before the landowner may be deemed a non-respondent. All preblast survey documentation shall be held by the independent firm.

13.10.5.7 Well testing requirements. The applicant shall offer to hire an independent water testing company to perform water tests of all drinking water wells within two hundred fifty (250) feet of the blasting area. The test shall document the turbidity of the well water prior to blasting, as well as the levels of coliform bacteria, e-coli, nitrate, nitrite and ph. At least three (3) documented attempts must be made to physically offer the water test before the abutter may be deemed a non-respondent. The water test results shall be held by the independent water testing company, and upon request, shall be made available to the landowner within fourteen (14) days of such a request.

13.10.5.8 Seismic monitoring requirements. Either an independent firm, retained at the sole cost and expense of the applicant, or the applicant themselves, shall monitor airblast and vibration for the blasting operations. Instrument(s) shall be installed at the closest point of the building in greatest proximity to the shot to be recorded.

13.10.5.9 Records maintenance requirements. The person or firm responsible for a blasting operation shall maintain a record of each blast. All records shall be retained for at least five (5) years following the cessation of blasting operations, copies of which shall be provided to the code enforcement office within ten (10) days of request. Such written records shall contain the following:

- (a) Name of person responsible for the blasting operation.
- (b) Location, date(s), and time of blast.
- (c) Name of blaster.
- (d) Type of material blasted.
- (e) Number of holes, burden and spacing.
- (f) Diameter and depth of holes.
- (g) Types of explosives used.
- (h) Amount of explosives used.
- (i) Whether mats or other protections were used.

CITY OF GARDINER CODE

(j) Seismograph and airblast readings: when and where measured.

Section 13.10.6 Definitions

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

Airblast: An airborne shock wave resulting from the detonation of explosives. The movement of overburden or the release of expanding gas into the air resulting from the detonation of explosives may also cause airblast. Airblast may or may not be audible.

Blasting: Any activity entailing the use of explosives for the purpose of producing an explosion to demolish structures or to fragment rock for mining, quarrying, excavation, or construction. Related terms are as defined in the BOCA National Fire Prevention Code and NFPA 495 Explosive Materials Code.

Blasting Operation: Includes all blasting anticipated to be undertaken during the completion of a contract or series of contracts, for demolition, excavation, construction, and development. A blasting operation includes all work involving the preparation, drilling, loading and detonation as well as the excavation and clean-up of the blasted area.

Explosives: Any substance, chemical compound, or mechanical mixture that is commonly used for the purpose of producing an explosion for blasting, as defined by this chapter. Initiating devices (detonators, detonating cords, etc.) are also included in this definition.

Independent Firm: A bona fide company approved by the Code Enforcement Officer who is not affiliated with the applicant but is contracted to impartially render services.

Particle Velocity: A measure of ground vibration. Particle velocity describes the velocity at which a particle of ground vibrates when excited by a force producing ground motion such as an earthquake or an explosion, measured in inches per second.

Seismograph: An instrument that measures and records earthborn vibration induced by the detonation of explosives. The instrument shall produce a direct printout of ground motion frequency, acceleration, particle velocity and amplitude, or produce a record from which any of these parameters can be calculated.

CITY OF GARDINER CODE

TITLE 17

NUISANCES

CHAPTER

- 17.1 Prevention of Nuisances
- 17.2 Dangerous Buildings
- 17.3 Junk
- 17.4 Property Maintenance
- 17.5 Dog Control Provisions
- 17.6 Trespassing of Animals
- 17.7 ~~Prohibiting~~ Mass Gatherings

CHAPTER 17.1

Prevention of Nuisances

SECTION

- 17.1.1 Waste Deposits
- 17.1.2 Notice to Remove
- 17.1.3 Pigeons, Fowl and Waterfowl
- 17.1.4 Penalty, Abatement, Restitution

Section 17.1.1 Waste Deposits

No person shall throw or deposit, or cause to be thrown or deposited upon any public property, private property not owned by him, or in or upon any water body within the City of Gardiner, any litter, solid waste, foul or offensive materials.

Cross references: **Highways, see 1954 R.S., ch. 137, ss. 28 et seq.**
 Water ways, see 1954 R.S., ch. 141, ss. 11.

Section 17.1.2 Notice to Remove

Whenever any drain, rubbish, filth or offal may, in the opinion of the health officer become offensive or unhealthy, the owner or occupant of the premises where the same may be found, shall be notified by the **chief of police** to remove or cleanse the same; and unless said owner or occupant shall comply with said notice within a reasonable time, he shall be liable to penalty.

Section 17.1.3 Pigeons, Fowl and Waterfowl

17.1.3.1 No person shall feed or bait any migratory or non-migratory waterfowl, fowl or pigeon upon any public property of the City of Gardiner

17.1.3.2 No person shall feed or bait any migratory or non-migratory waterfowl or pigeon upon any water body or private property located within the following areas of the City:

Central Business Zone District

CITY OF GARDINER CODE

CHAPTER 17.7

~~Prohibiting~~ Mass Gatherings

SECTION

- 17.7.1 Mass Outdoor Gathering
- 17.7.2 Hazard
- 17.7.3 Permit Acquired
- 17.7.4 Permit Issuance
- 17.7.5 City Council's Determination
- 17.7.6 Plans, Specifications, Reports, Cooperation
- 17.7.7 Bond
- 17.7.8 Permit Fee
- 17.7.9 Governmental Organization
- 17.7.10 Penalty

Section 17.7.1 Mass Outdoor Gathering

For the purpose of this chapter, a mass outdoor gathering on public or private property shall be deemed to mean any gathering held outdoors with the intent to attract the continued attendance of 1,000 or more persons for ten or more hours.

Section 17.7.2 Hazard

The city council after public hearing finds that mass outdoor gatherings frequently create a hazard to the public health, safety, and peace. Accordingly, it is deemed to be appropriate and in the interest of the public welfare to regulate the conduct of such gatherings in order to protect the public health and safety.

Section 17.7.3 Permit Acquired

No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct a mass outdoor gathering until a permit has been obtained from the city manager after approval of the city council. The application for a permit shall be submitted to the city manager no less than 30 days prior to the scheduled date of the mass gathering.

Section 17.7.4 Permit Issuance

The city manager after receipt of written application for a mass gathering and on the approval of the city council shall issue a permit for a mass outdoor gathering unless after consideration of the factors listed in Section 17.7.5., it appears to the city council within a reasonable certainty the gathering will represent a grave and imminent danger to the public health or to the public safety.

Section 17.7.5 City Council's Determination

CITY OF GARDINER CODE

In determining whether there exists a reasonable certainty that the gathering will present a grave and imminent danger to the public health or safety, the city council shall consider the nature of the gathering and the availability of:

- (a) An adequate and satisfactory water supply and facilities;
- (b) Adequate refuse and storage facilities;
- (c) Sleeping areas and facilities;
- (d) Wholesome and sanitary food service;
- (e) Adequate medical supplies and care;
- (f) Adequate police protection;
- (g) Adequate fire protection;
- (h) Adequate traffic control; and
- (i) Any other matters as may affect the security of the public health and safety.

Section 17.7.6 Plans, Specifications, Reports, Cooperation

In its review of the applications for permits for the holding or promotion of a mass outdoor gathering, the city council may require such plans, specifications and reports as it shall deem necessary for a proper review. In its review of such applications, as well as in carrying out its other duties and functions in connection with such a gathering, the city council may request, and shall receive from all public officers, departments and agencies of the City of Gardiner, such cooperation and assistance as may be necessary and proper.

Section 17.7.7 Bond

The city manager, on direction of the city council, may also require, prior to the issuance of a permit, that the applicant furnish to the City of Gardiner a bond of a surety company qualified to do business in this State in such amount as the city council shall determine, but in no event less than **\$10,000**, to ensure the public peace, safety and compensation of damage to property, public or private.

Section 17.7.8 Permit Fee

Applications shall include a fee in the amount set forth in the schedule of fees adopted by City Council. The fee for such permit shall be **\$550.00** and must accompany the application therefor.

Section 17.7.9 Governmental Organization

This ordinance does not apply to events sponsored by any governmental organization.

Section 17.7.10 Penalty

Any person, corporation, partnership, or association or group of any kind, violating any provision of this ordinance shall be punished by a fine of not more than **\$100.00**. Each day any violation of this ordinance shall continue shall constitute a separate offense.

CITY OF GARDINER CODE

CHAPTER 25.2

Signs and Obstructions

SECTION

- 25.2.1 Cellar Doors
- 25.2.2 Posting Bills
- 25.2.3 Street Obstructions
- ~~25.2.4 Signs~~
- 25.2.5 Unsafe and Unlawful Signs
- 25.2.6 Obstructions
- 25.2.7 Traffic Islands

Collateral references: **For similar provisions, see Nimlo Model Ordinance Service, section 12-301 et seq.**

Section 25.2.1 Cellar Doors

No person shall suffer his cellar door, or passage from the cellar to the street, when the same opens upon the street, or sidewalk, or near thereto, to be kept open when not in immediate use, nor at any time between sundown and sunrise unless the same is properly lighted.

Cross references: **Obstruction and regulation, see 1954 R.S. ch. 90-A, ss. 3, II, A, C; ch. 137, ss. 28 et seq.**

Section 25.2.2 Posting Bills

No person shall put or stick up any play bill, or other bill, advertisement, or notice on any public building, or any other building, or any fence fronting on the street or Public Square, without the consent of the occupant or owner.

Section 25.2.3 Street Obstructions

No person shall occupy any part of a street for the purpose of placing any lumber or other materials for erecting or repairing any building upon his land abutting any street without a permit from the building inspector which shall be given in writing, allotting such part of the street as may be necessary, and limiting the period which the street may be so occupied. The person to whom said permit shall be granted shall, before occupying the same, erect around the part to be occupied a sufficient fence to prevent injury to persons, animals or vehicles passing the premises, to the satisfaction of the building inspector. At the expiration of the permit, the person to whom it shall have been given shall remove all the materials and rubbish from that part of the street occupied by him, or it may be done by the city at his expense.

~~**Section 25.2.4 Signs**~~

~~No person shall erect, place or install any sign, or replacement of an existing sign, or any~~

CITY OF GARDINER CODE

~~marquee or replacement thereof, overhanging within the limits of any sidewalk or street, without first obtaining a permit from the building inspector who shall satisfy himself as to the safety of the proposed sign and the fastenings thereof. This section shall not apply to signs erected by the City of Gardiner. The fee for such permit shall be \$500.00.~~

~~Cross references: Outdoor advertising, see 1954 R.S. ch. 23, ss. 137 et seq.
Regulating streets and sidewalks generally, see 1954 R.S. ch. 90-A, ss. 3, II~~

~~Section 25.2.5 Unsafe and Unlawful Signs~~

~~If the building inspector shall find that any sign or other advertising structure referred to in Section 25.2.4. is unsafe, insecure, or is a menace to the public safety, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the owner or person in control of the premises. If the owner or person in control fails to remove or alter the structure so as to comply with the instructions of the building inspector within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply with such instructions by the building inspector at the expense of the owner or person in control of the property upon which it is located. The building inspector shall refuse to issue a permit to any owner or person in control who refuses to pay costs so assessed. The building inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.~~

Section 25.2.6 Obstructions

No person shall hang any goods over any sidewalk or street, or place any box, barrel, bale upon or otherwise obstruct any such sidewalk or street, except for immediate conveyance across the same.

Section 25.2.7 Traffic Islands

Except for authorized traffic regulatory and direction signs and landscaping placed by the State of Maine or the City of Gardiner, no person shall post any sign or place any object in, on, or around any traffic island in the City of Gardiner.

CITY OF GARDINER CODE

CHAPTER 25.3

Traffic Regulations

SECTION

- 25.3.1 Definitions
- 25.3.2 Emergency Right-of-Way; Mail
- 25.3.3 Display of Lights
- 25.3.4 Adequate Brakes; Signaling Device; Unnecessary Noise to be Avoided; Bell or Siren Forbidden, Exception
- 25.3.5 Stopping, Standing, Parking Prohibited, Parking Limited
- 25.3.6 Backing to Curb
- 25.3.7 Winter Parking
- 25.3.8 Public Parking Lots
- 25.3.9 Removal and Storage
- 25.3.10 Parking
- 25.3.11 Municipal Parking Lot
- ~~25.3.12 Oversized Loads~~
- 25.3.13 One-way Streets and Alleys
- 25.3.14 No Left Turn
- 25.3.15 Rules of the Road
- 25.3.16 Speeds
- 25.3.17 Traffic Lights
- 25.3.18 Stop Signs
- 25.3.19 Truck Route Ordinance
- 25.3.20 Parking for **Physically Handicapped** Persons
- 25.3.21 Loading and Unloading of Vehicles
- 25.3.22 Penalties
- 25.3.23 Immobilization
- 25.3.24 Restricting Vehicle Weight on Posted Ways

Collateral references: **For similar provisions, see Nimlo Model Ordinance Service, section 9-5001 et seq.**

Section 25.3.1 Definitions

25.3.1.1 As used in this chapter, the word "**vehicle**" shall include all kinds of conveyances for persons and for property, except those used exclusively on tracks; and the word "road" or the word "street" shall include all roads, streets, and public ways within the city limits.

Section 25.3.2 Emergency Right-of-Way; Mail

Police, fire department, emergency repair vehicles, United States mail vehicles and ambulances shall have the right-of-way in any street and through any procession. All vehicles shall go to right of road or street as near the curb or gutter as possible and come to a complete stop at sound

CITY OF GARDINER CODE

~~Section 25.3.12 — Oversized Loads~~

~~25.3.12.1 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.~~

~~25.3.12.2 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 25.3.12.1. of this Code. The fee for such permit shall be \$5.00.~~

Section 25.3.13 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:

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

25.3.13.2 Easterly on Water Street from intersection of Bridge Street to intersection of Church Street.

Section 25.3.14 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 25.3.15 Rules of the Road

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

Section 25.3.16 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 25.3.17 Traffic Lights

Cross references: See 1954 R.S., Ch. 22, ss. 87.

Section 25.3.18 Stop Signs

25.3.18.1 No person shall drive any vehicle past or through any intersection having a stop sign,

CITY OF GARDINER CODE

Section 25.3.20 Parking for Physically Handicapped Persons

~~25.3.20.1 Definitions. Any physically handicapped person employed in a business establishment serviced by parking spaces may obtain a license giving him or her permission to park for an unlimited period of time in such a parking space as the city council may designate. Such designated space shall be marked and identified to show that it is so reserved for such physically handicapped person. The designation of such parking space must also be agreed to by the manager of the store in front of which the said space is located. Any parking space thus designated shall be reserved exclusively to the person to whom the said license is granted.~~

~~25.3.20.2 Application. All applications for such license shall be made in writing, directed to the city council, who may, or may not, at their discretion, grant such license.~~

~~25.3.20.3 Fees. The fee for such license shall be \$50.00.~~

25.3.20.4 Handicapped parking spaces shall be established as follows for the exclusive use by persons with vehicles displaying **Handicapped Registration Plates**. The **chief of police** shall be responsible for designating and marking such spaces to show that they are reserved for use by the **physically handicapped**.

- (a) Two spaces on Lincoln Avenue near the Common.
- (b) The first space, north of Water Street, on the east side of Bridge Street.
- (c) On the southerly side of Water Street, the first space east of Dearborn Park.
- (d) The first space south of the entrance to Gardiner Savings **Bank** on the west side of Water Street.
- (e) Three spaces on the northerly side of Water Street in front of the former Truitt Building.
- (f) Two spaces on Dresden Avenue in front of Christ Episcopal Church.
- (g) Two spaces on the easterly side of Maine Avenue in front of the former railroad depot.
- (h) One space on Water Street in the center of the Park occupying the area formally designated as 113-125 Water Street.
- (i) One space in the Arcade Parking Lot directly opposite the Parking Lot Terrace located in the park occupying the area formally designated as 113 to 125 Water Street.

Section 25.3.21 Loading and Unloading of Vehicles

25.3.21.1 The loading and unloading of vehicles serving buildings on Water Street shall be done through rear entrances wherever possible.

25.3.21.2 Loading and unloading of vehicles serving buildings on Water Street where such vehicles are parked on Water Street due to the non-existence of a rear entrance to the said building or buildings shall be so parked no longer than 30 minutes.

Section 25.3.22 Penalties

25.3.22.1 Unless a greater penalty is specifically provided in this chapter or in an applicable

CITY OF GARDINER CODE

CHAPTER 25.4

Excavations

SECTION

- 25.4.1 Permit Required
- 25.4.2 Record of Permits
- 25.4.3 Fee Schedule
- 25.4.4 Qualifications of Applicant
- 25.4.5 Planning, Inspection, and Approval Procedures
- 25.4.6 Excavation Requirements
- 25.4.7 Backfilling
- 25.4.8 Replacement of Surface
- 25.4.9 Responsibility of Maintenance
- 25.4.10 Fences, Lights Required at Work Area
- 25.4.11 Unaccepted Streets and New Construction
- ~~25.4.12 Street Openings Beyond the Scope of this Article~~
- 25.4.13 Unpaved Streets and Roads
- 25.4.14 Winter Openings
- 25.4.15 Penalties Provided

Section 25.4.1 Permit Required

No person except the ~~Commissioner of~~ Public Works ~~Director~~ shall make or cause to be made any excavation or dig up paving in any street until he has paid the required fee and has received a written permit therefor from the municipal officers except in an emergency, in which case such permit shall be secured within twenty-four (24) hours after the street has been opened.

Section 25.4.2 Record of Permits

The ~~Commissioner of~~ Public ~~W~~orks ~~Director~~ or such officer as the municipal officers may appoint shall be authorized to issue permits, shall keep a record of all permits granted by him, work done by the city employees excepted.

Section 25.4.3 Fee Schedule

A ~~flat~~ fee, payable to the city treasurer shall be made for openings made within the right-of-way of any accepted city street. The fee shall include the amount set forth in the schedule of fees adopted by City Council. ~~This fee shall be \$25.00 for each square yard or part thereof of paved surfaces and \$9.00 for each square yard or part thereof of gravel surfaces opened within the city's right-of-way.~~

Section 25.4.4 Qualifications of Applicant

Before any permit shall be issued, the applicant shall satisfy the ~~Commissioner of~~ Public Works ~~Director~~ that the applicant possesses the financing, knowledge, skill, equipment, and material

CITY OF GARDINER CODE

to perform the complete scope of the work.

Section 25.4.5 Planning, Inspection, and Approval Procedures

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

The work in progress shall be open to the ~~Commissioner of~~Public Works Director and his designated inspectors for the purpose of inspecting and enforcing the provisions of Chapter 25.4.

Upon completion of any project, the ~~Commissioner of~~Public Works Director shall cause to be issued a Certificate of Satisfactory Completion.

Section 25.4.6 Excavation Requirements

All pavement shall be cut before excavation in such manner that the road surface will be exposed in a clean, sharp, straight edge. Trench sides will be shored so as to prevent any fall-out from under the undisturbed pavement. **All safety equipment necessary to perform the work in a safe, workmanlike manner will be followed.**

Section 25.4.7 Backfilling

Backfilling shall consist of placing suitable material in all spaces excavated and not occupied drainage or other underground structures, up to 3" from the existing surface. Backfill material shall consist of fine, readily compressible soil or granular material, near optimum moisture content, and shall not contain large stone, frozen material, or any other objectionable material. The final 13" of fill under road surfaces, shoulders or sidewalks consist of graded gravel to the specification of the ~~Commissioner of~~Public Works Director. All material shall be distributed in not more than 12" layers, and each layer compacted by approved compaction methods before another layer is placed. Water may be added only to improve mechanical compaction. Puddling or jetting will not be allowed. All sheeting and bracing material must be removed as backfill operation is in progress.

Section 25.4.8 Replacement of Surface

Paved surfaces shall be repaired temporarily with an approved cold patch to a compacted depth of 3", rounding about 1" above the existing pavement surface. Shoulders shall be brought level with existing grades with coursed gravel. Surfaces outside the pavement line, but within the right-of-way shall be filled to existing grade to match existing material. Lawn surfaces within the right-of-way shall be finished with 6" of loam, raked, seeded and rolled.

Section 25.4.9 Responsibility of Maintenance

The Public Works Department is charged with the upkeep and maintenance of any street opening after completion certificate is issued under Section 25.4.5. The Public Works

CITY OF GARDINER CODE

Department will also, after a satisfactory period of time has passed to allow for settlement, excavate the cold patch surface, and permanently repair the opening to the specifications of the ~~Commissioner of Public Works~~ Director.

Section 25.4.10 Fences, Lights Required at Work Area

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

Section 25.4.11 Unaccepted Streets and New Construction

Permits shall not be required on unaccepted streets or new construction, but the requirements of Section 25.4.7 shall be in effect on any project under the jurisdiction of the ~~Commissioner of Public Works~~ Director.

~~Section 25.4.12 Street Openings Beyond the Scope of this Article~~

~~It is the intent of this article to authorize the Commissioner of Public Works to control all excavation, backfill, and surface procedures within any city right of way. The fee schedule is based on a value that will incur no cost to the city. Large project costs may be negotiated with the Commissioner of Public Works, and a permit issued to an applicant at a cost of less than that specified in Section 25.4.3, this cost to be actual cost to the city for inspection and upkeep. Surfacing on large projects may be performed by a contractor or applicant approved by the Commissioner of Public Works. No project under twenty (20) square yards of surface opening shall be deemed "large."~~

Section 25.4.13 Unpaved Streets and Roads

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

25.4.13.1 Under Section 25.4.8, the requirement for applying cold patch shall not pertain. Gravel surface shall be brought slightly above existing roadbed and compacted.

25.4.13.2 Under Section 25.4.6, it will not be necessary to cut the road surface before excavation.

Section 25.4.14 Winter Openings

No permits will be issued between December 1 and March 15, except on an emergency basis, to be determined by the city manager.

Section 25.4.15 Penalties Provided

CITY OF GARDINER CODE

Any person or firm responsible for non-compliance with the provisions of this Chapter (25.4 - Sections 25.4.1 to 25.4.14) shall be liable to the City for all fees, expense of repair, and in addition shall be subject to the penalty provisions of Title 1, Chapter 1, Section 1.1.7: Penalties.

CITY OF GARDINER CODE

TITLE 29

WATERWAYS

CHAPTER

29.1 Control and Regulation of Waters

CHAPTER 29.1

Control and Regulation of Waters

SECTION

- 29.1.1 ~~Harbor Master~~ Port Wardens
- ~~29.1.2 Fees of Port Wardens~~
- 29.1.3 Obstructions
- 29.1.4 Littering Waters

Section 29.1.1 Harbor Mater ~~Port Wardens~~

~~There shall be appointed annually by the mayor with the advice and consent of the city council one or more port wardens. The City can designate a Harbor Master~~ who shall have full power of constables to regulate the laying of vessels, boats, scows, timber, boards, or other lumber, upon the Kennebec River, in the harbor within the limits of the city, so as to best accommodate the public; and if any other persons, shall violate or neglect, or refuse to obey or to comply with any known order or direction of said harbor masters, or either of them, he or they shall be subject to penalty.

Cross references: Appointment, City Charter, Article VI, ss. 1, 1954, R.S. Ch. 99, ss. 7.

~~Section 29.1.2 Fees of Port Wardens~~

~~The fees or compensation of the port wardens shall be determined and established from year to year by the city council, which fees or compensation so determined and established shall be paid by the city and received by them in full for their services.~~

Section 29.1.3 Obstructions

If any commander or owner of any vessel, boat, scow or raft, shall anchor or make fast the same in said Kennebec River, in any place between the points named in Section 29.1.1, so as to impede or obstruct the passage of vessels, boats, and rafts of timber or lumber up and down said river, or so as to obstruct the passage of boats, or rafts of timber or lumber to and from the locks opening into the Cobbosseecontee Stream, or so as to impede, obstruct, or in any way hinder the passage and re-passing of any ferry boat, or the place where any ferry is established by law between the Town of Randolph and the city, shall neglect or refuse to remove the same after

CITY OF GARDINER CODE

notice from either of the port wardens so to do, and within 30 minutes after receiving such notice, he shall be subject to penalty.

Section 29.1.4 Littering Waters

No owner or commander of any vessel, or any other person shall throw or cause to be thrown from their vessel or otherwise any stone, sand, or other ballast, or any other thing into the channel of the Kennebec River whereby the navigation of the same may be injured; and whosoever shall be convicted of such offenses, shall forfeit and pay to the use of the city, a fine of **\$10.00**.

Cross reference: **Also see Gardiner Code Title 11 - Section 11.2.7Special Conditions Regarding Gardiner Landing (Regulations regarding the Gardiner Landing).**

Purpose:

Edit City Code to remove fees and refer to the fee schedule adopted by City Council.

These sections to be edited in the City Code are standard language referring to the adopted fee schedule:

- 3.2.1 Building Permits
- 5.2 Special Amusements
- 5.8.3 Solid Waste Collection
- 5.9.3 Adult Business
- 5.10.8 Cannabis Establishment Licensing Ordinance (and change from Marijuana)
- 5.11.3 Mobile Food Vending Units
- 11.2.7.6.3 Gardiner Landing
- 13.10.4 Blasting
- 17.7.3 Prohibiting Mass Gatherings (and delete the word 'Prohibiting')
- 25.4.1 Excavations
- 29.1.1 and 29.1.2 Port Wardens: change to Harbor Master, City now appoints, no fee.

The following sections are outdated and recommend deletion of an entire section:

13.4 Alarm Systems

Outdated language about technologies used. The City encourages use of alarm systems for safety. If there are issues with new systems, they can be and are addressed in other ways.

25.2.4 Signs and Obstructions: Signs

Outdated code. Sign restrictions/requirements are fully covered in the Land Use Ordinance.

25.3.12: Oversized Loads

Do not currently enforce. This issue is covered by State law.

25.3.20 (.1; .2; .3) Parking for Physically Handicapped Persons

Written for an employee of a business to have a dedicated parking spot. The City has never had an application for this. Would address individually if ever requested.

25.4.12 (Excavations:) Street Openings Beyond the Scope of this Article

Street openings referred to in this section are easily covered in the other portions of this code.

City of Gardiner Fee Schedule approved by City Council:

- Was reorganized. All word edits are highlighted on new version.
- Changes:
 - o Added items that are in city code which were missing on this:
 - street opening Gravel
 - Adult Business
 - Mass Gatherings
 - o Deleted DD214 charge

FYI: Code sections will be renumbered after changes are decided and before posting edited City Code. Table of Contents will be updated at that time.

Included:

1. Abbreviated Code with sections that have edits red-lined,
2. Modified Fee Schedule.

Available: Entire Code red-lined.