

ARTICLE IX - REGULATIONS, LICENSES AND PERMITS

1. MISCELLANEOUS

1.1 GROUPS IN PUBLIC WAYS

Three or more persons shall not stand in a group, or near each other, on any sidewalk, or cross walk, or in any street or public way, or on the steps, or in the passage ways or entrances to buildings, in such manner as to obstruct free passage, after request from any officer of the peace to move on.

1.2 NOISES IN STREETS

No person shall in any street or public place, make any loud or unusual noises, by shouting, discharging firearms, sounding horns or other instruments or things, or sing or utter obscene or indecent songs or words or in any unruly or boisterous manner disturb the peace, quiet and good order of the town.

1.3 FIREWORKS

No fireworks or other things of an explosive or pyrotechnic nature shall be discharged or set off in the public or private ways of the town at any time.

1.4 TEMPORARY BUSINESS ORDINANCE [6-06, 6-11]

1.4.1 Purpose. It is the intent of this ordinance to regulate temporary business activities so that temporary stands, concessions and exhibits are allowed only upon meeting certain minimum regulations.

1.4.2 Definitions.

- a. Temporary Business Activity: Any activity, stand, concession, carnival, road show, trade show, fair or public exhibition, taking place from a temporary structure and/or temporary location, whose purpose is to advertise, display, or offer goods for sale for no more than ninety (90) consecutive days during a three hundred sixty-five (365) day period.
- b. Temporary Business License: A document obtained from the Wiscasset Code Enforcement Officer that grants the applicant permission to conduct a temporary business activity in the Town of Wiscasset.

1.4.3 Permits. It shall be unlawful for any individual, person, firm, corporation, partnership, or other business entity to conduct

temporary business activities in the Town of Wiscasset without first applying for and obtaining a temporary business license.

- a. The applicant for a temporary business license shall obtain a temporary business license from the Wiscasset Code Enforcement Officer before engaging in any activities associated with this section. The Code Enforcement Officer shall have the authority to approve or deny any temporary business license pursuant to this ordinance.
- b. A single temporary business license shall be valid for a maximum of ninety (90) consecutive days during a three hundred sixty-five (365) day period, beginning on the commencement of the temporary business activity.
- c. The temporary business license fee shall be established by the Selectmen.

1.4.4 Appeals. Any application to conduct a temporary business activity that has been denied in writing, has been suspended or revoked, may, within thirty days of the denial, suspension or revocation, appeal the decision to the Wiscasset Board of Appeals as defined in Article I, Section 5.

1.4.5 Regulations. Each licensee shall meet all of the requirements listed below. Failure to meet any of the requirements listed herein shall constitute grounds for non-issuance or revocation of a temporary business license.

- a. No temporary business activity shall create hazardous traffic conditions.
- b. No temporary business activity shall obstruct or act as a cause of obstructing any sidewalk, street or highway within the Town of Wiscasset.
- c. Each licensee shall be required to clean up its site, repair any related damages and remove all materials associated with its temporary business activity within twenty-four (24) hours of license or event expiration, whichever occurs first. Failure to remove shall result in the Town removing materials at the expense of said licensee and shall constitute a violation of this ordinance.
- d. Temporary licenses shall be conspicuously displayed at the place of business.

- e. Signs shall comply with the applicable provisions of the Wiscasset Sign Ordinance, Article III.
- f. Adequate toilet facilities shall be provided as determined by the Wiscasset Local Plumbing Inspector.
- g. Secure written permission from the land owner before applying for a temporary business license.

1.4.6 Exemptions. The following is exempt under this ordinance:

- a. Private garage or yard sales conducted on the seller's owned or leased property.
- b. Temporary business activities occurring on town or school property.
- c. Temporary activities involving craft fairs, flea markets and yard sales that are sponsored by churches, civic organizations and nonprofit organizations that are tax exempt under the provisions of the Internal Revenue Code.
- d. Temporary business activities shall not be considered in determining the minimum lot size requirements for the use or uses made of any lot.

1.4.7 Violation. Any individual, person, firm, corporation, partnership or other business entity violating the provisions of this ordinance shall receive a warning for the first offense. For each and every offense thereafter a fine or not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) shall be levied. Each day of a continuing violation after the issuance of a written notice of violation shall be deemed a separate offense. The Wiscasset Police Department and Code Enforcement Officer shall be responsible for the enforcement of this ordinance.

2. GENERAL PROVISIONS

2.1 Any person violating any of the town's ordinances, rules or regulations shall be subject to the following. In the event that two or more penalty provisions apply to the same violation, the Selectmen shall choose which one or more penalty sections to apply. [3-99]

2.1.1 If the violation is one which is within the scope of 30-A M.R.S.A. 4451 (Enforcement of Land Use Laws and Ordinances) as the same may be amended from time to time, the violator shall be subject to the procedure and penalty provisions as set out in that statute as the same may be amended from time to time. [3-99]

2.1.2 If the ordinance, rule or regulation which is violated provides for a particular penalty, the violator shall be subject to the penalty as so provided. [3-99]

2.1.3 If the ordinance, rule or regulation which is violated does not provide for a particular penalty, the violator shall be subject to a fine of \$100.00 per day for each day or part of a day that the violation occurs. [3-99]

2.1.4 If the violation arises from the improper parking of a vehicle, a Selectman or any Police Officer may employ a wrecker service to remove the vehicle and store it, and the person owning or controlling such vehicle shall be liable for the towing and storage fees. [3-99]

2.1.5 If the violation arises from the improper docking or mooring of a boat, a Selectman, the Harbor Master, or a U.S. Coast Guard official may move or cause to be moved the boat and take custody of it, and the person owning or controlling the boat shall be liable for all expenses incurred. [3-99]

2.2 These regulations, or any part of them, may be amended, added to or repealed by a majority vote of any Town meeting, provided due notice of any change to be considered has been given in advance.

2.3 Should any provisions of this Ordinance be declared by the courts to be invalid, the decision shall not invalidate any other provisions of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are severable.

2.4 The provisions of this Ordinance are minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statute, rule, regulation, ordinance, deed, restriction or covenant, the most restrictive or that imposing the higher standard shall govern.

2.5 All Ordinances or parts of Ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

2.6 The above Police Regulations of the Town of Wiscasset shall be deemed to be in full effect on and after May 30, 1961.

2.7 The above regulations are made in accordance with authority vested in the Municipal Officers at the annual Town Meeting of March, 1946, Article 71 of the Town Warrant.

3. PARKING, TRAFFIC AND VEHICLE REGULATIONS

3.1 PARKING

3.1.1 MIDDLE STREET: Parking shall be prohibited on the westerly side of Middle Street from Main Street to Fore Street.

3.1.2 WATER STREET: Parking is prohibited on the west side of Water Street, starting at a point parallel with the curb at Main Street, running 160 feet south, also the east side of Water Street, starting parallel with the south side of Big Foot Alley and running south for 195 feet. Parking on Water Street is prohibited on the east side from the end of the sidewalk to Lincoln Street.

3.2 The following streets shall be one-way the entire year:

3.2.1 SHIN BONE ALLEY: One-way easterly from Middle Street to Water Street.

3.2.2 BIG FOOT ALLEY: One-way westerly from Water Street to Middle Street.

3.3 It shall be unlawful to operate any vehicle on any street or alley designated as a one-way street or alley by ordinance in any direction other than that so designated.

3.4 Parking on any street is prohibited within twelve (12) feet of the intersecting line of any other street, except at the intersections of Main and Water Streets and Main and Middle Streets.

3.5 Parking is prohibited within ten (10) feet of the point on the street closest to any fire hydrant unless a no-parking zone has been painted on the street beside the hydrant, in which case the painted zone supersedes the ten-foot restriction. [6-10]

3.6 Parking on any street within the Town in a manner so as to obstruct the free flow of traffic on that street is prohibited.

3.7 Vehicles shall be no more than twelve inches (12") from the curb or within the designated areas on all streets where parking is allowed.

3.8 The Chief of Police or any other person designated by the Selectmen shall post or cause to be posted suitable signs designating all one-way streets and parking areas.

3.9 Parking is prohibited between the sidewalk and the traveled portion of Main Street or any street situated westerly of the easterly line of Fort Hill Street and of Federal Street.

3.10 The Selectmen are authorized to fix the permitted hours of parking in all public parking areas in the town. [3-93]

- 3.11 Parking is prohibited on all sidewalks and marked crosswalks.
- 3.12 The Chief of Police is authorized to designate areas on streets, whether designated by these ordinances for parking or not, as loading zones, and to post them accordingly.
- 3.13 Any person, firm, corporation or other entity who violates any portion of this Section 3 shall be subject to the following [1-08]:
- 3.13.1 A \$20.00 fine for overtime parking or parking in a loading zone, a \$100.00 fine and/or vehicle towed for parking within ten (10) feet of the point on the street closest to any fire hydrant unless a no-parking zone has been painted on the street beside the hydrant, in which case the painted zone supersedes the ten-foot restriction. [1-08, 6-08, 6-10];
- 3.13.2 Twice the appropriate amount set out in subparagraph 3.13.1, above, if the applicable fine is paid later than the end of the second town workday commencing the workday after the date of the violation [1-08];
- 3.13.3 Court action if the applicable fine is not paid within 14 calendar days of the date of the violation (not counting the date of the violation itself). If the Town initiates a Court action, the violator will be liable for the applicable \$40.00 or \$200.00 fine, plus Court costs, plus attorney's fees which the Town incurs in presenting the suit. [3-88, 1-08, 6-08]
- 3.14 **STREETS WHERE PARKING IS PROHIBITED**
- 3.14.1 Parking shall be prohibited on the west side of the northern section of Water Street in the Town of Wiscasset beginning on the south side of Shin Bone Alley running to the south side of the Cost residence driveway, being a distance of 225 feet.
- 3.14.2 Parking shall be prohibited on the east side of Water Street from the driveway on lot 56 on map U-1 to the far boundary of lot 57, being a distance of 80 feet.[3-93]
- 3.14.3 Parking shall be prohibited on the east side of the southern section of Water Street from CMP pole #05 to CMP pole #06, being a distance of 120 feet.
- 3.14.4 Parking shall be prohibited on the easterly side of Federal Street in the following area: beginning at the intersection of Federal Street and U.S. Route #1; thence northerly 3,800 feet, more or less, to the southwest corner of the property known as the Old State Garage.
- 3.14.5 Parking shall be prohibited on the westerly side of High Street from the library to the intersection with Lee Street, except where a parking indentation has been made in the curbing. [4-08]

- 3.15 No person shall park any horse, carriage or motor vehicle within the limits of any street, road or way in the Town of Wiscasset in such manner that the same shall in any way interfere with or hinder the removal of snow by mechanical or hand means from the streets, roads, ways or sidewalks within said town. A Selectman or any Police Officer shall have the authority to employ wrecker service to remove any parked vehicle interfering with such snow removal and have it taken to a public garage or other place of safety, or he may remove such vehicle himself, all at the expense of the person owning or in control of such vehicle.
- 3.16 No person shall park any horse, carriage or motor vehicle upon any street or way closer than twelve (12) feet to the line of an intersecting street or way or within ten (10) feet of the point on the street closest to any fire hydrant unless a no-parking zone has been painted on the street beside the fire hydrant, in which case the painted zone supersedes the ten-foot restriction. [6-10]
- 3.17 The Selectmen of said Town of Wiscasset may establish time limits for parking on any streets or parts of streets, and may establish areas in which no parking shall be allowed and they may close any streets or parts of streets to vehicle traffic or establish one way streets when in their opinion public safety and convenience so require. Notice of action taken pursuant to the above shall be posted in two conspicuous places in said town at least twenty-four hours before becoming effective, and the streets, parts of streets and areas affected shall be reasonably signed and posted to inform travelers of the limited use thereof permitted.
- 3.18 No parking will be allowed on any grass or planted road shoulders or planted street shoulder owned by the Town. Violators will be subject to a fine of \$10. The Town may tow any offending vehicle and the owner of such vehicle shall be liable for all towing fees. [3-87]

3.19 SPEED LIMITS

The speed limit on Federal Street is hereby reduced from 30 miles per hour to 25 miles per hour in the area from U.S. Route One to the residence of Freda Hussey, being a distance of 3550 feet.

3.20 WEIGHT LIMIT ON FEDERAL STREET

3.20.1 No person, business, corporation or other entity shall operate or cause to be operated any truck, trailer, tractor or other vehicle that has a gross weight of more than 6,000 pounds or a width greater than eight feet, on that section of Federal Street which runs northerly from State Highway #1 to the former State Highway Garage as now situated, a distance of 3,800 feet.

3.20.2 Provided, however, that this section shall not apply to persons operating general service vehicles engaged in conducting business on said street.

3.20.3 Whoever violates this section shall, upon conviction, be punished by a fine of not less than \$10.00 nor more than \$100.00. [2-73]

3.21 LOUD AND/OR UNNECESSARY NOISE

3.21.1 No automobile horn shall be sounded in any unreasonable manner or so as to make objectionable noise. No operator of a motor vehicle shall make any unnecessary noise by cutting out the muffler or operating with a defective muffler.

3.21.2 No person shall operate a motor vehicle upon any street or way or any other place so as to make any loud, unusual or unnecessary noise against the peace, quiet or good order of the town.

3.22 PULL OVER FOR EMERGENCY VEHICLES

Drivers of a vehicle on the approach of a fire engine or other fire apparatus, police vehicles or ambulances (answering an alarm) shall immediately draw up said vehicle as soon as possible to the right hand curb and parallel thereto and bring it to a standstill.

3.23 CLEARANCE FOR FIRE APPARATUS

No automobile or other vehicle shall trail, follow or approach any piece of fire apparatus going to or at a fire nearer than two hundred feet.

3.24 Deleted 3/99

3.25 BICYCLES

3.25.1 No person shall ride a bicycle upon the foot bridge or any of the sidewalks in the Town of Wiscasset in such a manner as to interfere with pedestrians. Upon approach of any person, bicycle riders shall stop or leave the sidewalk.

3.25.2 Every bicycle rider shall provide his bicycle with a suitable bell or horn which shall be sounded on overtaking other vehicles or persons and on the crossings in the Town of Wiscasset.

3.25.3 No operator of a bicycle shall carry any other person thereon or ride abreast of another bicycle, but two or more bicycle operators shall ride one ahead of the other in single file. No operator of a bicycle shall weave from one side of the street to the other but shall keep as far to the right as possible.

3.26 AIRCRAFT

Aircraft whether lighter or heavier than air shall at all times be operated at more than 500 feet above the ground or water except when landing or taking off.

3.27 TRAVEL AROUND MONUMENTS

No person shall, with any horse and wagon or other team, or on horseback or with any motor vehicle of any kind, on the streets, ways, roads or highways in the Town of Wiscasset, in the County of Lincoln and State of Maine, pass to the left of any monument or other device, established by said town, or by or with the authority of the Selectmen of said town, marked "Keep to Right" or with any other mark of equal import.

3.28 ENFORCEMENT

Constables and police officers shall have authority to enforce the preceding sections and no person shall proceed with any horse, team, or motor vehicle after being called upon or signaled to stop by any constable, inspector of police or officer of the law.

4. ANIMAL CONTROL [3-97]

The purpose of this section is to prevent injury to persons, damage to property, creation of a nuisance, or spread of contagious disease by requiring animals to be kept under the control of their owners at all times. The provisions which apply to the owner of an animal apply equally to any person having its custody or possession.

4.1 ANIMALS CREATING A NUISANCE BY NOISE

Any animal which barks, howls, or makes other sounds continuously for twenty (20) minutes or intermittently for one hour or more shall be deemed to constitute a nuisance. Dogs barking at trespassers on private property on which the dog is situated, dogs barking as part of an organized hunt, or dogs barking as a result of provocation shall not be deemed a nuisance.

4.2 ANIMALS AT LARGE

It is unlawful for animals to run at large except when being used for hunting. Animals running at large shall be impounded by the Animal Control Officer, hereafter referred to as ACO, and taken to an animal shelter. Any dog or ferret not on the property of its owner or custodian must be on a leash of suitable strength or must be under the supervision and voice control of its master. Dogs shall not be allowed off leash in any Town owned or maintained cemetery. Any animal in violation may be impounded by the ACO. Any animal so impounded may be destroyed if it is not claimed within eight (8) days following impoundment. The ACO, his representative, or other law enforcement officer may take the animal to its owner if known. The owner, however, will be subject to a charge of \$10 payable to the Town for services rendered. [3-01]

4.3 CONFINEMENT OF CERTAIN DOGS

Dogs of fierce, dangerous, or vicious propensity, or in heat shall be properly confined or tied by the owner in a reasonable manner to prevent harm to the public. If the owner of such a dog is found in violation of this section, the dog shall be impounded and not released except on the approval of the ACO, the Police Chief, or a police officer, and only if all provisions of Section 4.7 "Impoundment Fees" have been satisfied.

4.4 ANIMAL CONTROL OFFICER (ACO)

An Animal Control Officer shall be appointed from time to time by the selectmen. The ACO, under the direction of the Chief of Police, shall be responsible for the control, regulation, and enforcement of all laws related to domesticated and undomesticated animals in accordance with 7 MRSA Section 3947 and the Town Ordinances.

4.5 DOG LICENSES

All dogs kept, harbored, or maintained by their owners in the Town of Wiscasset shall be licensed in accordance with 7 MRSA Chapter 721. No later than the end of the grace period of January 31 each year all dogs over the age of six (6) months must be licensed by the Town Clerk. Proof of a rabies vaccination must be shown to obtain a license.

4.6 REGISTRY AND NOTIFICATION OF IMPOUNDMENT

When impounding any animal, the ACO or police officer shall, at the time of impoundment, list the number and description of violations, and make a complete registry of the date of impoundment, breed, color, sex, general condition of the animal, whether licensed or unlicensed, and the name of the owner on a registry form. A copy of this form shall be furnished to the animal shelter, together with written instructions setting the conditions under which the animal may be released. The administrator of the shelter shall contact the owner if possible within 48 hours, and report to the Town Clerk a description of the animal and its place of impoundment. If not claimed by the owner, the animal shelter shall dispose of the animal by adoption or otherwise in a proper and humane manner consistent with state law.

4.7 IMPOUNDMENT FEES

Owners may reclaim their animal by first licensing (if necessary), and by paying to the Town a fee of \$30. Impounded cats shall be released to the owners upon proof of current rabies vaccination. The owner will also be responsible for any additional costs incurred by the animal at the shelter prior to reclamation. Fees must be paid to the Town Clerk and a receipt of same presented to the shelter prior to the release of an animal.

4.8 DISPOSITION OF DISEASED ANIMALS

The owner of an animal which has bitten a human or may have been exposed to a contagious disease shall be served a quarantine notice. The owner shall confine and

control the animal for the amount of time ordered. The owner must observe and obey all written instructions and procedures included in the quarantine notice. In addition to the fines or penalties described in subsection 4.10, failure to comply with this subsection may also result in court ordered seizure of the animal, and placement in a state licensed facility that houses such animals. All related expenses shall be paid by the owner. Length of confinement shall be in accord with the current State Rabies Management Manual including exposure by proximity.

4.9 ANIMALS CREATING A PUBLIC HEALTH THREAT

The municipal health officer or his designee shall order suppression and removal of animals and conditions posing a public health threat, when there is a reasonable cause to suspect the presence of a communicable disease, and the owner has failed to comply with the properly served quarantine notice.

4.10 It is a violation of this Article for any person who owns, possesses or controls a dog to fail to properly remove and dispose of any feces left by that dog on any street, sidewalk or publicly owned property. [3-01]

4.11 VIOLATIONS

Any person found in violation of any provision contained in this section shall be subject to a fine of not less than \$25 and not more than \$100 for each offense; however, licenses shall be issued with a fine of \$3.00 each for dogs past the grace period.

Any person found in violation of subsections 4.8 or 4.9 shall be subject to a fine of not less than \$100 and not more than \$1000 for each offense. Fines collected under this section shall be deposited in a separate account and retained for use by the Town as required in 7 MRSA Section 3945.

4.12 SEVERABILITY

The invalidity of any part of this section shall not invalidate any other part.

5. TRANSPORTATION

5.1 No person, firm or corporation shall operate or cause to be operated, a taxicab, unless licensed as herein provided. No license shall be issued unless and until the Board of Selectmen has issued a certificate that public convenience and necessity require the operation thereof. Application for such certificate shall be made on forms provided by the Town Clerk and shall set forth the name and address of the applicant, the trade name under which the applicant does or proposes to do business; where proposed stands and garages are to be located; the number of vehicles the applicant desires to operate, with a clear description of each vehicle, and such other facts as the Board of Selectmen may require.

5.2 Upon presentation of such certificate within thirty days from its date and satisfactory evidence that license fees herein required have been paid and that the insurance policy required by law has been duly filed with the Secretary of State, the Board of Selectmen may issue to the applicant a license for each car set out in said certificate. The license fee shall be five dollars (\$5.00) yearly for each taxicab. All taxicab licenses shall expire June 30 of each year.

6. USER FEES

6.1 Wiscasset's Board of Selectmen shall establish fees, where they deem them to be appropriate, for the use of Town owned or Town controlled property or facilities unless a fee is already established by these Ordinances or by an applicable law. The Selectmen shall also determine the time at which such fees shall be paid.

7. IMPROVEMENTS TO TOWN PROPERTY

The Selectmen, or the Town Manager at the Selectmen's direction, are authorized to grant permission to individuals or entities to do work on Town owned or controlled property, at the individuals' or entities' own expense, upon such terms as the Selectmen or the Town Manager may direct, and to accept as Town property all materials incorporated into the work. [9-03]

8. STREET EXCAVATION ORDINANCE

8.1 General

8.1.1 Purpose

This Ordinance has been enacted by the Town of Wiscasset to regulate the use of public rights-of-way in the interest of public safety and convenience, and to protect public infrastructure. Excavation and restoration standards, control of access, and regulation of vehicle loads are required to preserve the integrity, operational safety, and function of the public right-of-way.

8.1.2 Definitions

1. Town shall mean the Town of Wiscasset and/or its Public Works Authority.
2. Commissioner shall mean the Road Commissioner of the Public Works Department and/or his or her designee.
3. Contractor shall mean one contracts for the completion of an entire project, including purchasing all materials, hiring and paying subcontractors, and coordinating all the work.

4. Emergency shall mean any event, which may threaten public health or safety, where action is necessary to prevent personal injury, death or the loss or disruption of a private or public utility or service. The burden of proof of such emergency rests with the applicant.
5. Excavation shall mean any operation in which earth, rock, paving or like material, on, or below the surface of the ground, is moved, displaced, dug, trenched, tunneled or in any similar manner disturbed, except the agricultural tilling of soil or gardening.
6. Applicant shall mean a person applying for a permit required by this Ordinance.
7. Permit Holder shall mean a person who has obtained a permit as required by this Ordinance. A applicant may be any natural or corporate “person”, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.
8. Public right-of-way shall mean the entire width of every way and place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic, except for private roads and private ways. The definition shall include the area on, above and below the public right-of-way, dedicated to public use, and any dedicated, but unaccepted street or way. The definition shall also include any publicly owned space or park. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.
9. Entrance shall mean direct vehicular access to property abutting the public right-of-way.
10. M.D.O.T shall mean the Maine Department of Transportation.
11. Technical and Design Standards shall mean the standards cited herein and adopted by the Town of Wiscasset and the Maine Department of Transportation (MDOT) Standards and Specifications for Highways and Bridges, latest edition.

12. Utility shall mean a public utility, as defined in 35-A M.R.S.A. § 102 as it may be hereinafter amended and shall specifically include the non-regulated activities of such a utility.

8.1.3 Administration

1. The Commissioner is the responsible authority for the enforcement of this ordinance.
2. A Highway Opening and/or Entrance permit is required prior to the commencement of any excavation in the public right-of-way. It shall be unlawful for any person to excavate, or to place, deposit or leave upon any public right-of-way any earth or other material, equipment or structure tending to interfere with the free use of the public right-of-way, unless such person shall first have obtained a permit.
3. All Federal and State requirements for safe operation within the right-of-way shall be followed, including, but not limited to, OSHA and the Manual of Uniform Traffic Control Devices (MUTCD).
4. The permit holder shall hold harmless the Town of Wiscasset and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of any permits issued under this ordinance.
5. Environmental Considerations
 - a) In the course of any work in the right-of-way, the permit holder shall not remove any trees or shrubs which exist in the public right-of-way area without first obtaining the approval of the Commissioner.
 - b) Best Management Practices (BMP's) as defined in the Maine Department of Transportation Practices for Erosion and Sedimentation Control, dated September 1997 shall be followed for all construction in the public rights-of-way.
6. The Road Commissioner or his/her designee shall make such inspections as are necessary in the enforcement of this ordinance.
7. Permit holders shall maintain accurate drawings, including plans and profiles showing the location and character of all underground structures including abandoned installations proximate to their work. Corrected as-built plans shall be filed with the

Commissioner within sixty (60) days after new installations, changes or replacements are completed.

8. Penalty. Any person, firm or corporation who shall violate any provision of this Ordinance shall be subject to a fine in an amount established by Title 30-A M.R.S.A. Section 4452. Each day of continued violation and every violation of a provision of this Ordinance shall constitute a new and separate offense.
9. If any work performed under any permit issued under this ordinance is not completed in compliance with the terms of this ordinance, the Town shall cause such work to be repaired and prepare a bill for the cost of repair to be paid for by the Permit Holder. In the event such repair was undertaken without a permit, the Town shall prepare a bill for the cost of the repair, plus an additional amount of fifty (50) percent to be paid by the person doing the work. The Town shall issue no further permits to any person who has performed such work until the Town receives payment from the person for the repair work.
10. Working Hours: Except for emergency repairs or as approved by the Commissioner, working hours shall be between the hours of 7:00 a.m. and 7:00 p.m., prevailing time. Starting or warming up equipment prior to 7:00 a.m. is prohibited. Work on the weekend or legal holidays is prohibited unless specifically authorized by the Commissioner.

8.2 Entrances to Public Right-of-Ways

8.2.1 Purpose

This Article provides for the review, of any entrance onto a public way for compliance with sound construction and design practices, to ensure that traffic safety, drainage and public improvements are not adversely affected.

8.2.2 Permit Required.

No person shall construct, cause or permit to be constructed, alter or relocate any driveway, entrance, or approach or other improvement within the public right-of-way except in accordance with an entrance permit. This Ordinance applies to all proposed entrances or substantive changes to existing entrances to public roads after the effective date of the Ordinance. [6-10]

8.2.3 Administration

1. A permit, completed in conformance with applicable Wiscasset Street Excavation Ordinance Standards, may be issued upon application to the Commissioner for the purpose of securing access to private property.
2. An entrance permit does not authorize parking or servicing vehicles within such right-of-way.
3. A permit fee established by order of the [*Town Selectboard*] shall be paid for each permit.
4. The Commissioner may establish a review fee for staff or consultant review of the application. This fee shall be based on the estimated time for review and be placed in a cash escrow account with the Town prior to issuance of a permit.
5. The Application on standard form available at the Town Office or Public Works garage shall be filed with the Commissioner together with an application fee. The applicant shall furnish a copy of plans or sketches showing the following information:
 - (a) location(s), width, and arrangement;
 - (b) distance between existing entrances within 100 feet of the proposed entrance(s);
 - (c) distance(s) from the centerline of the traveled way to any structures, gasoline pumps, or other obstructions within 100 feet of the proposed entrance(s) etc.;
 - (d) property lines and easements;
 - (e) length, size and location of existing pipes, culverts, catch basins or manholes, curbing, curb and gutter, and/or sidewalks, and above ground utilities within 100' of the proposed entrance(s); and
 - (f) The proposed location of new pipes, culverts, catch basins or manholes, curbing, etc.
6. The entrance permit shall be valid for a period of twelve months from the date of original issue.
7. A contractor and/or permit holder must complete all work within the right-of-way.

8. The Commissioner may approve any variances from the Entrance Standards contained in the permit.

8.2.4 Entrance Standards

1. Sight Distance Criteria:

- a) All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public way and to maneuver safely and without interference with traffic. One and two family dwelling unit entrances are exempt from the site distance criteria. Unobstructed sight distance both ways for an exiting vehicle shall be in accordance with the following schedule:

Posted Highway Speed (MPH)	Minimum Sight Distance (in feet)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

- b) Unobstructed sight distance shall be that distance of clear sight measured from a point 10' from the edge of pavement or curb line at a height of 3.5 feet to an object in an approaching lane with a height of 4.5 feet.
- c) Clearing, limbing and removal of other obstructions within the right-of-way necessary to provide the required sight distance shall be the responsibility of the permit holder and require the approval of the Commissioner.

2. Geometry

- a) The entrance shall be designed such that the grade within the right-of-way does not exceed 10%.
- b) In rural sections the entrance grade shall match the edge of the existing shoulder and slope away from the road surface at a

rate of one half inch per foot, for a distance of ten (10) feet from the edge of pavement.

- c) In curbed sections, the entrance grade shall match the existing gutter line and slope up at a rate of one inch per foot for a distance of not less than six (6) feet from the curb line.
- d) The entrance should intersect the traveled way at a horizontal angle of 90 degrees but in no case shall the horizontal angle be less than 75 degrees.
- e) The entrance shall not be located closer than 50 feet from an intersection.
- f) Not more than two entrances (or exits) shall be allowed on any parcel of property for which the frontage is less than two hundred (200) feet. Additional entrances for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted only after showing of necessity. When frontage is fifty (50) feet or less, only one entrance is permitted, the width of which shall not exceed thirty (30) feet.

3. Drainage

- a) Existing roadside drainage in gutter or ditch lines shall not be altered or impeded by the entrance. The permit holder shall provide suitable and approved drainage structures/culverts at all entrances.
- b) Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.
- c) Where a drainage culvert is required to maintain roadside drainage the Commissioner must approve the pipe diameter, length and material type prior to installation. Minimum pipe size shall be 15 inch diameter.

4. Construction Standards

- a) The Permit Holder and/or contractor is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the Public right-of-way.
- b) The entire portion of any entrance within the limits of the Public right-of-way shall be stripped of all organics. The base

for the entrance shall be constructed with a minimum 15-inch well-graded gravel base course conforming to MDOT Standard Specifications, Section 703.

- c) If the entrance grade within the Public right-of-way exceeds five (5%) percent slope then the entrance shall have a paved surface within the limits of the Public right-of-way.
- d) Where culverts are not required or where they are continuous between multiple entrances, an island raised not less than six (6) inches above the surface of the adjacent drives shall be provided. The island shall be curbed, loamed and seeded, or paved. If an open swale is used between entrances, the raised island is not necessary.
- e) When sidewalk, curbing or curb and gutter is to be removed, it shall be replaced in kind at the transition points of the entrance. All curbing at the side of entrance shall be rounded with a radius of not less than five (5) feet.

5. Curb and Sidewalk

- a) When sidewalk or curb exists at the proposed entrance the permit holder shall remove and replace such materials at the permit holder's expense. Any granite curb to be removed by the permit holder will remain the property of the Town.
- b) Curb transitions shall be provided at each side of a new entrance.
- c) Where sidewalk is removed to accommodate a new entrance, a new walk surface of equal type construction is to be provided. The sidewalk area at all entrances shall meet handicap accessibility requirements and conform to the American with Disabilities Act guidelines. In general sidewalks shall meet the following:
 - 1) The maximum sidewalk longitudinal transition slope is not to exceed 1 vertical to 12 horizontal.
 - 2) The maximum sidewalk cross-slope is not to exceed 2%.
 - 3) No abrupt changes in grade are permitted and the maximum curb reveal crossing a walkway is ½ inch or less.

8.3 Excavation and Utility Installation in Public Right-of-Way

8.3.1 Purpose

The purpose of this Article is the regulation of the use of public right-of-ways in the interest of public safety and convenience, and the operation and protection of public works infrastructure. Excavation and restoration standards are required to preserve the integrity, operational safety and function of the public right-of-way.

8.3.2 Highway Opening Permit Required.

No person, except utilities performing emergency excavations, shall make any excavation in any public right-of-way without first obtaining a Highway Opening permit from the Commissioner. All such excavations are governed by 23 M.R.S.A., Sec. 3381 et seq. as amended from time to time, and this Ordinance.

8.3.3 Administration

1. A permit, completed in conformance with applicable Wiscasset Street Excavation Ordinance Standards, may be issued upon application to the Commissioner for the purpose of excavation and utility construction within the public right-of-way.
2. An application fee established by order of the (*Town Selectboard*) shall be paid for each permit.
3. The Commissioner may establish a consultant review fee for staff or consultant review of the application. This fee shall be based on the estimated time for consultant review and be placed in cash escrow account with the Town prior to issuance of the permit.
4. No person shall be granted a permit to excavate or open any public right-of-way or sidewalk from November 15 of each year to March 31 of the following year, unless an emergency or special condition exists and permission is obtained in writing from the Commissioner. Any person wishing to obtain a Highway Opening permit between these aforementioned dates shall first explain fully in writing the emergency or special condition to the Commissioner before issuance is granted. If a hazardous condition which could endanger life and/or property exists, excavation work shall not be delayed by this section of this Ordinance; however, a written explanation shall be delivered to the Commissioner within two (2) working days, and a Highway opening permit obtained for the work.

5. The Application on standard form available at the Town Office or Public Works garage shall be filed with the Commissioner together with the Application review and opening fee (if applicable) and plans and specifications of the work including property lines and easements.
6. Upon review for completeness and submission of all fees the Commissioner may issue the Highway Opening Permit if the permit is in conformance with the applicable standards of this ordinance
7. In cases of emergency as defined above or in cases of minor alteration, the Commissioner shall have the authority to waive the provisions of this ordinance.

8.3.4 General Policy and Construction Standards

A. Protection and Restoration of Highway Items and Protection of the Traveling Public.

1. Maintenance

The permit holder and/or contractor shall be responsible for maintaining the excavated/construction area in a safe, passable condition satisfactory to the Commissioner until the project is accepted. A temporary bituminous patch shall be placed on all trenches that cannot be permanently patched within 48 hours of initial disturbance. Permanent restoration of the pavement structure including hot bituminous base and surface shall be made within 15 days.

One lane of traffic shall be maintained at all times, unless traffic has been detoured. The permit holder and/or contractor shall provide traffic control officers, barricades, lights, warning signs and other devices to safeguard traffic and pedestrians while the work is in progress.

Two-way traffic shall be maintained during all non-working hours, unless approved by the Commissioner. In the event that two-way traffic cannot be maintained during these hours, the permit holder and/or contractor shall install and maintain barriers and lights, as specified in the MUTCD until a permanent surfacing has been installed.

All equipment and materials shall be removed and located off the highway during non-working hours.

A highway opening permit does not authorized parking or servicing vehicles within such right-of-way.

2. Removal and Protection of Utilities

The permit holder and/or contractor shall not interfere with any existing utility other than their own facilities without the written consent of the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the Town shall be moved to accommodate the permit holder unless the cost of such work be borne by the permit holder and/or contractor. The cost of moving privately owned utilities shall be borne by the permit holder unless he makes other arrangements with the utility owner. The permit holder and/or contractor shall support and protect all pipes, conduits, poles, wire or other apparatus which may be in any way affected by the excavation work. In case any of said pipes, conduits poles, wire or apparatus should be damaged, they shall be repaired by the utility or person owning them and the expense of such repairs shall be charged to the permit holder and/or contractor. The permit holder and/or contractor shall be responsible for any damage done to any public or private property by reason of the damage any water, sewer, gas pipe, electric conduit or other utility. Permit holder and/or contractor shall inform itself as to existence and location of all underground utilities and protect the same against damage. Above ground utilities abandoned as a result of relocation or replacement shall be removed in its entirety.

3. Protection of Adjoining Property

The permit holder and/or contractor shall at all times and at his own expense preserve and protect from damage any adjoining property by providing proper protection and taking other measures necessary for the purpose. Where- the protection of such property is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permit holder and/or contractor shall obtain written permission from the owner of such private property. The permit holder and/or contractor shall, at its own expense shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property resulting from its failure properly to protect said work facilities.

4. Restoration and Replacement

The Permit Holder and/or Contractor shall be responsible for permanently restoring or replacing roadway items damaged as a

consequence of any construction operations. These items are to be permanently replaced in kind, in the same thickness and to the same grade as originally found and shall include, but not be limited to, the following items:

- a) Bituminous pavement;
- b) Portland Cement Concrete Pavement, including that displaced by blasting, undermined, or broken by construction equipment.
Concrete pavement under, bituminous pavement shall be replaced with a digable concrete fill of equal thickness;
- c) Bituminous, concrete and brick sidewalks;
- d) Aggregate base and subbase material under roadways, shoulders, and walks;
- e) Curbing, all types
- f) Gravel surfacing and shoulders;
- g) Turf slopes and ditches;
- h) Drainage pipes, structures, and ditches;
- i) Guard rail and fencing;
- j) Property and other survey monuments

The contractor shall guarantee the restoration/ replacement against defects in material and workmanship for a period of one (1) year from the date of acceptance, and shall replace any defective work at the written directive of the Commissioner.

5. Emergency Coordination

- a) The permit holder and/or contractor shall furnish the Commissioner, local and State Police Departments with a list of names, addresses and telephone numbers of Contractor personnel who may be reached in case of emergency during hours when no work is being performed. On weekends and during storms the permit holder and/or contractor shall assign certain personnel to stand-by duty and shall inform the Commissioner of the arrangements.

B. Construction Standards

- 1. All excavations on paved public right-of-way surfaces shall be precut in a neat straight line with pavement breakers or saws. Cutouts of the trench lines must be normal or parallel to the trench line. Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench. Unstable pavement over cave-ins shall be removed and aggregate bases restored. Jointed or broken pavement within one (1) foot of the restoration edge shall be removed. Prior to permanent surfacing the pavement shall be

saw cut an additional six inches beyond the disturbed edge and removed.

2. When multiple openings are located with less than five (5) feet of original pavement remaining between adjacent openings, the permit holder/contractor shall neatly cut and remove the area of pavement between these adjacent areas and shall patch as one trench.
3. All previous sections shall also apply to sidewalks in all cases except concrete sidewalks. Concrete sidewalks shall be saw cut. Use of pavement breakers will not be allowed. On concrete sidewalks, all cuts shall be made to the nearest joint or score line on either side of the excavation. All sidewalk restorations shall be in accordance with the requirement of paragraph B4.
4. All backfilling of public right-of-way openings shall be done in accordance with the following standards:
 - a) All work must be conducted in strict accordance with the latest regulations of OSHA for excavations, and other applicable safety regulations.
 - b) All work must be protected from freezing.
 - c) Whenever water is found standing in the excavation area, the water shall be removed by pump or other means before backfilling operations can commence.
 - d) Backfilling of excavations shall be performed by the Permit Holder/Contractor as soon as practicable so that the least possible subsequent settling will occur. Backfill material shall be spread in layers not exceeding eight (8") inches in loose depth and compacted to no less than 95% of the maximum dry density of the material as established by ASTM D1557. Rocks, broken pavement, or ledge particles larger than six (6) inches will not be allowed in the backfill. The Permit Holder/contractor shall notify the Commissioner, prior to beginning the backfilling operations to allowing adequate time for inspection.
 - e) Where the excavated material is primarily silt or rock, it shall be allowed for use as backfill only upon the express approval of the Commissioner, with the intention of minimizing differential settling.
 - f) All remaining excavated material shall be removed from the job site and disposed of by the permit holder/contractor, in such a manner that will minimize interference with pedestrian and vehicular traffic. No material shall be left within the right-of-way once the repair and/or installation is complete.

5. Temporary resurfacing shall be provided on all arterial and connector type public right-of-ways and when directed by the Commissioner. Temporary resurfacing shall consist of a minimum of two (2) inches of compacted temporary bituminous surfacing. Such temporary material shall be cold-mix except that the permit holder under this article may use or the Town may require hot-mix. The temporary surface material shall be placed and compacted to provide smooth even surface for the safe passage of pedestrian traffic and safe vehicular travel at the legal posted speed. The permit holder/contractor shall maintain the temporary paving for a period not to exceed 15 calendar days. At such time, the permanent restoration shall be made.

6. Permanent restoration of the pavement structure shall consist of aggregate subbase and base and hot bituminous pavement base and surface conforming to the following:

a) Minimum Compacted

<u>Layer</u>	<u>M.D.O.T. Specification</u>
<u>Thickness</u>	
Subbase Course	Aggregate Subbase – 703.06 Type D 18"
Base Course	Aggregate Base – 703.06 Type A 4"
Pavement Base	19.0 MM Superpave 3"
Pavement Surface	9.0 MM Superpave 1 1/2"

b) Aggregate material shall be spread in layers not exceeding eight (8") inches in loose depth and compacted to no less than 95% of the maximum dry density of the material as established by ASTM D1557.

c) The maximum dry density of the material to be used in the trench along with the corresponding moisture contents, in accordance with ASTM D1557, shall be filed at the time of application to obtain a permit. The Town reserves the right to verify maximum density and field density at any time.

d) Hot bituminous pavement (Superpave) shall be placed and compacted in accordance with the latest MDOT specification.

7. All temporary resurfacing shall be maintained for the safety of pedestrian and vehicular traffic until the permanent restoration is made. The permit holder/contractor shall erect and maintain

warning signs, barriers, and lights as specified in the MUTCD until a permanent surfacing has been installed.

C. Excavations in reconstructed or repaved roads.

1. After a public road has been reconstructed or repaved, a Highway Opening Permit shall not be granted for five (5) years unless an emergency condition exists or unless the necessity for making such installation could not have been reasonably foreseen at the time of the reconstruction or repaving. This section shall be void unless the Town shall have given sixty (60) days notice by registered and/or certified mail of the impending work to all public utilities serving the road.

8.4 Approved Contractors

8.4.1 Purpose

The purpose of this Article is the regulation of Contractors and Utilities performing work in public rights-of-ways in the interest of public safety and protection of public works infrastructure.

8.4.2 Insurance

1.) The Commissioner may require each contractor to maintain at all times a minimum of \$300,000.00 public liability insurance coverage protecting himself, his agents and the Town from all such claims for damages or injuries and naming the Town of Wiscasset as an additional insured. Evidence of such coverage shall be submitted in a form satisfactory to the Commissioner. Coverage shall be maintained throughout the period of work performed under this ordinance and shall not be less than the following amounts:

- a.) General liability including comprehensive form, premises/operations, underground explosion and collapse hazard, products/completed operations, contractual, independent contractors, broad form property damage and personal injury.
\$300,000 Bodily Injury and Property Damage Each Occurrence
\$500,000 Bodily Injury and Property Damage Aggregate
\$300,000 Personal Injury Aggregate
- b.) Automobile liability including any vehicle, hired vehicle and non-owned vehicle- \$300,000 bodily injury and property damage combined.

c.) Workers' Compensation and Employers' Liability
\$100,000 each accident. [9-04]

9. BUSINESS LICENSE [6-06]

9.1 PURPOSE OF PROVISIONS

The purpose of this chapter shall be to require the annual registration of all business activities and enterprises located within the town and to provide the town with the necessary information concerning the business within the town, including but not limited to the nature of the business operation, number of employees, location of business, and emergency contacts, in order to protect the health, welfare and safety of the town's inhabitants. For the purpose of this section, business activities and enterprises shall include any person or persons carrying on the businesses, trades, professions, or selling of goods, and any establishment that serves or prepares food or drink for public consumption.

9.2 DEFINITIONS

Business: Means and includes all kinds of vocations, occupations, home occupations, professions, enterprises, and nonprofits, any of which are conducted on any premises in the Town of Wiscasset.

Premises: Means and includes all land, structures and places, and the equipment and appurtenances connected or used therewith, in any business, and also any personal property which is either affixed to, or otherwise used in connection with, any such business conducted on such premises.

9.3 LICENSE REQUIRED

A person or organization may not engage in any business activity or enterprise without first obtaining a license from the Town Clerk. In addition, the applicant is responsible for compliance with all pertinent town ordinances and state laws. A separate license shall be required for each business entity and each location. All business licenses shall expire one year after the date of issuance by the Town Clerk. A thirty-day (30) grace period, beginning on the date of permit renewal, is allowed.

9.4 FEE

There shall be no fee for a business license.

9.5 PROCEDURE

Applications for business licenses shall be obtained from the Town Clerk. Applications shall be made in writing and shall state the name of the business, location of business, description of business, name of owner, mailing address of owner, emergency contact information, number of employees; Also, driver's license number, proof of insurance, and proof of registration for those businesses and enterprises associated with motor vehicle use.

9.6 AUTHORIZATION

9.6.1 Registration does not permit the conduct of any business or enterprise if the premises to be used for the business, or the conduct of such business, does not fully comply with the Wiscasset Ordinances.

9.6.2 Non-resident businesses employed on a temporary basis to improve or repair the landowner's property.

9.7 VIOLATIONS

Any person, firm or corporation, including but not limited to a landowner or his/her agent, who violates any provision of the ordinance after receiving notice of such violation shall be subject to the applicable provisions in Town of Wiscasset Ordinances Article IX, Section 2 (General Provisions). The Wiscasset Board of Selectmen or their designee shall be responsible for the enforcement of this ordinance.

9.8 SEVERABILITY

If any portion of this ordinance shall be held to be invalid, such decision shall not affect to the validity of the remaining portions thereof.

9.9 EFFECTIVE DATE

The effective date of this ordinance shall be the date of its adoption.