

- (A) The laying out, altering or discontinuing of streets within the city shall be in accordance with the state statutes.
- (B) Nothing in this article is to be construed as a limitation on the City Council's authority to accept any street in the city as a public street whenever the public interest so requires.

(Code 1966, § 7-1; Ord.No.6-96/97, 9-4-96)

State law reference(s)--Laying out, altering or discontinuing highways, 23 M.R.S. § 2051 et seq.

Sec. 23-9. Moving of buildings: Permit required; duties of Director of Public Works; bond; owner's, mover's responsibility.

- (a) No person shall obstruct any street or any part thereof by placing therein any house, barn, shop, store or other building, and no person shall remove or draw through or upon any street, any house, barn, stable, shop, store or other building which is more than seven (7) feet in width or more than ten (10) feet in length, without first obtaining a permit from the Director of Public Works.
- (b) The Director of Public Works shall designate the time of day such building may be moved, the streets over which such building may be moved and the length of time such street may be obstructed thereby, and he may require the filing of a bond, with sufficient securities, approved by the City Manager, conditioned to indemnify the city for any and all damages sustained by moving such building.
- (c) The owner of the building or the person moving same shall be held responsible for damages to overhead wires, streetlights, streetlight brackets, signs and trees caused by moving such building, and if any such building shall remain in any street or place beyond the time allowed by such permit, the Director may cause such building to be taken down or removed from the street at the expense of the owner thereof.

(Code 1966, § 7-3-1; Ord. No. 18-23/24, 4/16/2024 [Fiscal Note: Less than \$1000])

Cross reference(s)--Permit schedule, § 14-3.

State law reference(s)--Moving heavy objects over ways and bridges, 29 M.R.S. § 1703.

Sec. 23-10. Permit required for movement of large vehicles upon streets.

No truck, tractor, team, engine or any other type of vehicle or contrivance which has any flange, rib, clamp, lug or other object attached to its wheels or treads, or made a part thereof so that its movement over and upon the streets of the city is likely to bruise and injure the surface of the streets, shall be moved over and upon the streets in the city without first obtaining a permit from the Director of Public Works and paying the fee required as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order.

(Code 1966, § 7-3-2; Ord. No. 18-23/24, 4/16/2024 [Fiscal Note: Less than \$1000])

Sec. 23-11. Obstructing streets, sidewalks with material, appliances, etc.: Permit required; space permitted to be obstructed; occupant's duty. Installations restricted in public right-of-way generally; City not liable for installations in streets, rights-of-way, and/or sidewalks;

tree roots in rights-of-way.

- (a) Except as pursuant to a utility location permit or other express lawful authority, no person shall install, erect or construct, or cause to be installed, erected or constructed, any temporary or permanent installation, such as, but not limited to, buildings or fixtures, in, upon, or near any City street, right-of-way, or sidewalk, located as follows within any portion of the full width of the right-of-way of any City street and/or sidewalk as laid out or accepted by the State, the County, or the City; provided, however, that the Public Works Director may allow the reconstruction of a building in the general location of a previously existing building if they determine that highway safety and the public welfare will not be adversely affected.
- (b) Notwithstanding subsection (a) above, the following temporary installations shall be allowed, subject to the conditions set forth herein:
- (1) Installations placed temporarily in connection with the construction, repair or alteration of any building, so long as such obstructions do not occupy more than one-third (1/3) the width of any street or right-of-way, nor more than one-half (1/2) the width of any sidewalk; provided, that the Public Works Director or their designee (a) is first notified of and approves said temporary installation, and (b) said installation does not exceed six (6) months in duration. The Public Works Director or their designee may require any additional conditions necessary to ensure public safety and welfare, and efficient provision of City services. The violation of any such conditions shall constitute a violation of this section.
 - (2) Temporary installations for the purposes of any type of athletic game, subject to the following conditions:
 - i. Limited to local streets (*i.e.*, not a state, arterial, or collector road) with speed limits of 25 miles per hour or less;
 - ii. Athletic games may occur during daylight hours only;
 - iii. Those engaged in athletic games are required to yield the right-of-way to vehicular traffic;
 - iv. The temporary installations are only utilized during the period from April 1 to October 31, provided that they do not impede vehicular movement and, if present in the right-of-way during nighttime hours, have reflectors or reflective tape placed upon them that is visible to approaching vehicles and pedestrians;
 - v. Are not within thirty (30) feet of an intersection;
 - vi. Shall be immediately removed upon the order of the Police Chief, Fire Chief, Water Resource Protection Director, or Public Works Director, where such removal is necessary as a result of an emergency situation, work in the right-of-way, or other permitted events or activities.
 - vii. For purposes of this subsection (b) (2), a temporary installation shall be one that does not have a concrete foundation or any other type of foundation that adheres to or requires attachment to a roadway, sidewalk, or esplanade area. A temporary foundation is one that consists of sand, water, or some other type of weight system directly attached to the installation and allows the installation to be moved at least in short distances without the assistance of any equipment or vehicles;
 - viii. The Public Works Director and/or Police Chief and/or their designees shall have the authority to prohibit athletic games on streets or sections of streets where it might otherwise be allowed if any of the following circumstances exist:

1. The sight distance of an approaching motorist to the area used for athletic games is less than one hundred fifty (150) feet due to topographic limitations or other visual obstructions.
 2. The activity at a particular location has resulted in documented incidents of damage to private property two (2) or more times within a thirty (30) day period.
 3. Athletic game participants at a particular location have violated the hour restrictions set forth above two (2) or more times within a thirty (30) day period.
 4. Athletic game participants at a particular location have been cited for disorderly conduct on two (2) or more occasions within a thirty (30) day period.
 5. Upon a finding by the Public Works Director and/or Police Chief and/or their designees that the activity poses a threat to the health, safety, and welfare of participants or residents within the block on which the activity occurs.
 6. A prohibition issued under subsection (b) (2) (viii) (1) shall specify the street or section of street on which athletic games are prohibited and shall remain in effect permanently or until such time as physical changes may be made which increase the sight distance sufficient to bring the area in question into compliance. A prohibition issued under subsection (b) (2) (viii) (2) through (5) shall specify the street or section of street on which athletic games are prohibited and shall remain in effect until April 1 of the following year.
- ix. The Public Works Director and/or the Police Chief, or their designees may require any additional conditions necessary to ensure public safety and welfare, and efficient provision of City services. The violation of such conditions shall constitute a violation of this section.
- (3) Temporary or permanent plantings of vegetation, such as flowers, shrubbery, or trees, subject to the following conditions:
- i. Plantings shall not exceed three (3) feet in height;
 - ii. Plantings shall not occur within thirty (30) feet of an intersection;
 - iii. Plantings by a person shall only occur within the green space right-of-way abutting their property and shall not involve the removal of City infrastructure such as sidewalks;
 - iv. Plantings shall not grow into the roadway and/or sidewalk or otherwise interfere with pedestrian or vehicular traffic. Plantings that are deemed to interfere with pedestrians and/or vehicular traffic must be trimmed by the person who planted them within 48 hours of notice from the City. If the City deems the overgrowth an immediate threat, or the situation is not remedied after 48 hours of notice, then the City may remove the plantings and recover fees as specified in subsection (f);
 - v. Plantings of invasive species as defined by the State of Maine are prohibited;
 - vi. Plantings shall not be or cause a public health or safety hazard as determined by the Public Works Director and/or Police Chief and/or their designee(s);
 - vii. The City may remove any plantings at any time for road or sidewalk improvement projects; and
 - viii. The Public Works Director or their designee may require any additional conditions necessary to ensure public safety and

welfare, and efficient provision of City services. The violation of such conditions shall constitute a violation of this section.

- (c) The City may remove roots for any tree that have encroached into a City right-of-way and has caused damage to City infrastructure, such as, but not limited to, streets, sidewalks, paths including the Greenbelt, and underground sewer/stormwater pipes after providing at least 48 hours advance notice to the affected tree owner; provided, however, if the City deems the overgrowth to be an immediate threat to public health, safety or welfare, the City may immediately remove the tree roots. The City shall not be liable for any damages caused to the trees of private property owners related to the removal of their roots from the City right-of-way.
- (d) The City shall not be liable for damage that it or others may cause to, or for damage that may be caused by, any existing or future temporary or permanent installation in, upon, or near any City street, right-of-way, and/or sidewalk, whether or not it has been allowed. The City shall not be liable for damages that it or its hired contractors may cause or for damage that may be caused by removing any building, structure, installation or planting in violation of this section from the right-of-way.
- (e) The Public Works Director, Police Chief, and/or their designee(s) shall have the power to enforce this section and to assess penalties as prescribed in subsection (f). Nothing in this section shall prevent the enforcement official from obtaining voluntary compliance by way of warning, notice or education.
- (f) Notwithstanding any other provision of the Code of Ordinances to the contrary, the following penalties apply to violations of this section.
- (1) For the first offense, the Public Works Director shall send notice to the person(s) causing the violation. The property owner shall have not less than two (2) nor longer than fifteen (15) days or prior to October 1st to remove the facility, whichever comes first. In the event the installation is causing an immediate threat to public health and/or safety, and/or the item is interfering with City operations, the Public Works Director or their designee shall remove the installation(s) immediately.
 - (2) A person who violates this section commits a civil violation for which a fine of not less than \$50 and not more than \$500 may be adjudged.
 - (3) After having been adjudicated as having violated this section, a person who unlawfully maintains any installation for fifteen (15) days after the adjudication is subject to an additional fine of not more than \$100 for each day such installation is maintained.
 - (4) If the City or its hired contractor removes an installation, the person(s) responsible for placement of the installation may be charged a removal fee for direct and/or indirect costs to the City for doing so. Examples of indirect costs include staff time (wages and benefits) and equipment and materials used in the removal of the installation(s).
- (g) This section does not apply to the installations or other property devoted to the public use of any public utility or underground pipeline.

(Ord. No. 5-23/24, 10/10/2023 [Fiscal Note: Less than \$1000])

(Code 1966, § 7-3-4)

Cross reference(s)--Disposition of sawdust, soot, etc., on streets prohibited, § 9-22.
