

MEETING ITEM COMMENTARY

AGENDA ITEM: (First Reading) Code Amendment Police Department

STAFF RESOURCE: Lisa Parker, Finance Director
Brad Paul, Chief of Police

COUNCIL RESOURCE: Councilor Ron Michaud

BACKGROUND: This item proposes several amendments to the City Code that relate to new fees and housekeeping matters.

The first amendment recognizes the need for regulation of the installation and use of alarms to avoid use of improper equipment, to assure adequate installation of equipment, to minimize false alarms and to compensate for the inappropriate use of municipal resources in response to false alarms, and to clarify the rights and responsibilities of the property owner and of the City of Saco.

As a matter of housekeeping the bicycle registration fees are being eliminated. They have not been collected for a minimum of 10 to 15 years. They are impossible to administer fairly and effectively, and do not achieve the desired result of reducing incidents of bicycle theft. A new fee for non-criminal finger printing is introduced. Every year we fingerprint approximately 20 people or so for private interests. These would include insurance companies, securities and exchange brokers, etc.

We receive between three and five requests every year for block party permits. A new fee for these permits will allow the Traffic Safety Officer to issue a permit for a *non-major street* block party and will involve a site inspection and the involvement of the fire and public works departments to ensure that the area is appropriate for the event. A new special event application fee is part of this amendment. A recently enacted code amendment requires all special event applications to be extensively reviewed by the Traffic Safety Committee and will involve more input and review by other City staff as well.

A fee for the annual inspection of taxicabs in Saco is warranted. We have approximately 20 cabs to inspect every year, and last year SBI has started assessing a fee of \$15 to run a non-criminal records check. The fees charged for supplying officers for outside assignments must be raised periodically to keep pace with inflation and rising wages. They have been adjusted upward to compensate for the time-and-one-half rate that we are paying, benefits, and the rising cost of vehicle maintenance and gasoline. It is also necessary to have an ordinance in place allowing the enforcement of handicapped parking violations that will reflect current state law, and for the enforcement of specific fines related parking violations.

EXHIBITS: State Statute on Handicap Parking
Comparison Fee Chart
Police Department Fee Schedule, May 3, 2004

RECOMMENDATION: The staff recommends approving the code amendments.

SUGGESTED MOTION: *“The City of Saco hereby approves the First Reading of the code amendments described in the document titled ‘Police Department Code Amendments, dated May 3, 2004’, and schedule a Public Hearing for April 19, 2004”.*

Police Department Code Amendments

Dated, May 3, 2004

The following Code amendments are necessitated by the change in fee structures discussed above. Underlined items are added and ~~strike through~~ items are deleted.

CHAPTER 4 ADMINISTRATIVE CODE ARTICLE V Departments and Divisions

§ 4-16. Police Department.

A. Establishment.

(1) There shall be a Police Department, the head of which shall be the Police Chief. The Chief of Police shall be appointed by the City Administrator and confirmed by the City Council. There shall also be a Harbor Master and a Canine Control Officer, who shall be directly responsible to the Chief.

(2) The number of regular ~~police men~~ police officers shall be determined by the City Council, and each ~~police man~~ police officer shall be appointed by the City Administrator after hearing recommendations from the Police Chief. Special ~~police men~~ police officers shall have all the powers vested in the regular city ~~police men~~ police officers. The special ~~police men~~ police officers shall, however, serve only when and as specifically required by the Police Chief whenever called upon, as the City Administrator may determine. No special ~~police man~~ police officer shall be on duty as a special ~~police man~~ police officer at any time or place without being ordered to do so by the Police Chief.

(3) The Police Chief may, in his or her judgment, provide additional services for the convenience and safety of the public that are not otherwise required by law, ordinance or statute. These services may include providing officers to maintain order at public or private establishments (known as an "outside assignment); directing traffic for utility work occurring within or along the public ways ("outside assignment); or providing non-criminal fingerprinting services for individuals required to provide fingerprints for employment or other reasons. The Council will establish these types of fees after a public hearing.

Chapter 57, ALARM SYSTEMS

[HISTORY: Adopted by the City Council of the City of Saco 5-1-1995 as Ch. III, Sec. 3-4, of the 1994 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Emergency telephone system -- See Ch. 90.

Fire prevention -- See Ch. 102.

Noise -- See Ch. 149.

§ 57-1-~~Findings.~~ Purpose.

The number of burglar alarms in use within the City has increased greatly over the past few years. Along with this increase there has been an increase in false alarms and associated problems, which have impacted the Police Department's ability to respond to emergencies. This ordinance recognizes

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the need for regulation of the installation and use of alarms to avoid use of improper equipment, to assure adequate installation of equipment, to minimize false alarms and to compensate for the inappropriate use of municipal resources in response to false alarms, and to clarify the rights and responsibilities of the property owner and of the City of Saco.

§ 57-2. Definitions.

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

ALARM SYSTEM -- Any mechanism, equipment or device designed for the detection of an unauthorized entry upon any property, or signifying any other type of emergency response, other than to a motor vehicle or vessel, and which emits an audible, visual, electronic or other signal when activated.

ALARM USER -- Any person whose property is protected by an alarm system.

FALSE ALARM -- Any alarm signal which is not in response to an actual or attempted unauthorized entry upon property, or other emergency requiring an immediate police response, including any signal emitted by a negligently activated alarm system or by an alarm system deliberately activated when an immediate police response is not required, or by a malfunctioning alarm system. In the event an alarm is activated as a result of a natural or unnatural event beyond the property owner's control (i.e. disruption of the electrical service due to storm, motor vehicle accident, and the like), no fee shall be imposed at the discretion of the Chief of Police.

~~57-3. Monitoring fee. [Amended 5-15-2000]~~

~~Any alarm user with an alarm system linked directly to the Saco Police Department Dispatch Center which requires monitoring by Saco police personnel shall pay, yearly, a monitoring fee that shall be established by the City Council after a public hearing. EN~~

§57-3. Permit Required.

No person shall install, operate, maintain, alter or replace an alarm system in the City of Saco without first receiving a permit from the Code Enforcement Officer. Upon receipt of a completed application, the Code Enforcement Officer shall issue a permit to the alarm owner. Owners of premises shall annually obtain a permit.

a) Application for an alarm system permit shall be made by the owner of the premises to be protected or by the owner's authorized agent on forms prepared by the City, accompanied by a signed, dated receipt acknowledging that the owner or his agent has received a copy of this ordinance and is aware of its terms.

b) The application form shall require the name, telephone number and address of the owner of the premises to be protected, of his designated agent and of the proposed installer of the Alarm System. The proposed installer must have the capacity to maintain and service such Alarm System from a point within the State of Maine. The application form shall also require a description of the principal use of the premises to be protected, a description of the proposed system and such other data as the Police Chief may reasonably require in order to assure an appropriate response upon a system activation.

c) No system shall be permitted which automatically transmits a signal or alarm directly to the Police Department telephone lines.

§ 57-6. The Code Enforcement Officer may revoke the permit for any alarm system in the event that:

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(a) Payment of any penalty fee is not made within sixty (60) days after the due date therefore,

(b) Any deficiency therein reported to the owner is not corrected within 48 hours, or such longer time as the Code Enforcement Officer may permit,

(c) Such Alarm System causes the transmittal of more than 3 non-emergency alarms in any 24-hour period or more than 6 non-emergency alarms in any 7-day period or otherwise persistently interferes with the orderly operation of the Dispatch Center,

(d) Any data provided in the application form for such system is found to have been falsified willfully or through gross negligence of the applicant.

Such revocation shall not be effective until the Code Enforcement Officer has given the permit holder or his designated agent actual notice of the reason therefore and reasonable opportunity to justify the same.

§57-7. Appeal. In the event of the refusal to issue or the revocation of any permit hereunder, the permit holder may appeal to the City Administrator within twelve (12) business days after actual notice of such decision is given to the permit holder or his designated agent. The City Administrator may affirm, modify or rescind such decision, and his action thereon shall be final and conclusive without right of further appeal.

§57-8. Civil Violations. In addition to the foregoing grounds for revocation of a permit hereunder, the following events shall each constitute a civil violation, punishable in proceedings before the District Court by a fine of not less than \$200:

(a) The installation, operation, maintenance, alteration or replacement of an Alarm System in the absence of an effective permit therefore signed by the Code Enforcement Officer;

(b) The falsification of any data provided on an application form for an Alarm System, done willfully or through gross negligence;

§57-9. No Enlargement of Liability. Neither the issuance of a permit under this Ordinance nor the installation of an alarm system pursuant to such a permit shall create any obligation, duty or liability on the part of the City of Saco, its officers, agents or employees which obligation, duty or liability would not exist in the absence of such a permit or installation.

CHAPTER 69
Bicycles, Skateboards and Roller Skates
Article I – General Provisions

~~§ 69-7. Bicycle registration.~~

~~A. — Registration of bicycles. No person shall operate a bicycle upon any public way, sidewalk, bicycle path or bicycleway within the City of Saco unless the bicycle shall have been properly registered and tagged by the City of Saco.~~

~~B. — Registration form.~~

~~(1) — Every owner or operator of any bicycle within the City shall, within 10 days of the acquisition of such bicycle, file with the Police Department a complete description, including the make, color, serial number and name and address of the purchaser of such bicycle, upon a form to be provided for that purpose. Such form shall provide for return by mail if the applicant so chooses. Such filing shall constitute a registration of such bicycle for the purpose of this section. Such registration shall be serially numbered and kept on file by the Police Department as a public record. The registration should be cross referenced so that a bicycle can be identified by all of the following methods:~~

~~(a) — The registration tag.~~

~~(b) — The name of the owner.~~

~~(2) — Any bicycle purchased from a licensed dealer within the City after January 1, 1977, may be registered by the dealer. All bicycle dealers shall supply registration information to the City on all bicycles sold and shall give out forms to buyers to be used to obtain registration tags. Dealers wishing to do so shall be permitted to sell registration tags at the discretion of the Chief of Police.~~

~~C. — Registration tags. Immediately upon the registration of a bicycle, the Police Department shall issue to the owner of such bicycle a reflectorized registration tag, serially numbered to correspond with the registration of such bicycle and containing thereon the name "Saco" and the date of expiration of the registration. Such registration tag shall be affixed to such bicycle so that it is plainly visible from the rear and shall be kept reasonably clean at all times. It shall thereafter remain affixed to such bicycle until the expiration or the cancellation of the registration or until the bicycle is sold or otherwise disposed of by the person to whom the tag was issued. A fee shall be established by the City Council after a public hearing for registration of any bicycle under provisions of this section. In case of theft or loss, a new tag shall be issued for a fee to be established by the City Council after a public hearing. EN No person shall willfully remove, deface or destroy any such registration tag. In lieu of issuing a new tag upon each renewal of the registration of a bicycle, the Police Department may issue insert tags or decals to indicate the expiration date of such registration. [Amended 6-19-2000]~~

~~D. — Registration fee. Commencing January 1, 1977, bicycles shall be registered prior to June 1. The two year length of registration fee shall be established by the City Council after a public hearing. EN~~

~~E. — Change of ownership. Upon the sale or transfer of a registered bicycle, the owner shall remove the registration tag and shall either surrender the same to the Chief of Police or, upon proper application but without payment of an additional fee, have said tags assigned to another bicycle owned by applicant. When a bicycle is dismantled and taken out of operation, the registration tag shall be destroyed by the Police Department.~~

~~F. — Bicycle to be in safe mechanical condition. The Police Department shall refuse to register or shall suspend the registration of any bicycle found by a police officer to be in unsafe mechanical condition or not equipped or registered as herein required, until given proof that the defect or defects are corrected.~~

§ 69-8. Bicycle sale and rental.

- A. Provision of safety equipment. No person, firm, association or corporation shall sell a bicycle without proper safety equipment as designated.
- B. Proof of ownership required. No person shall sell or offer for sale or give away any bicycle unless he/she can prove ownership of said bicycle. A ~~City of Saco bicycle registration form or a bill of sale~~ shall constitute a proof of ownership.
- C. Equipment, condition and registration. No person shall rent, lease or loan a bicycle of any kind to another unless he/she has ascertained that the bicycle is in safe mechanical condition and properly equipped ~~and registered~~.
- D. Persons under disability. No person shall knowingly rent, lease or loan a bicycle of any kind to any person who is incapable of operating said bicycle by reason of physical or mental disability or who is under the influence of liquor, fermented beverages, narcotics or other drugs.

§ 69-9. Violations and penalties.

The following penalties shall apply for a violation of this article:

- A. Persons over 17 years. If a person is over 17 years of age, he/she may be issued a citation for court by the officer. The amount of the fine will be left to the discretion of the court. His/her bicycle or skateboard should also be impounded if continued operation would result in violation.
- B. Persons under 17 years. If the person is under 17 years of age, the bicycle or skateboard shall be impounded for five days (first offense), 10 days (second offense) or 30 days (any other offense). Any person charged with a violation of this article may request a hearing with the Police Department Juvenile Officer. Such hearing will be on the next working day.
- C. ~~Registration and inspection~~ Inspection prior to release. The Chief of Police will require all bicycles to be ~~registered and~~ inspected before their release and proper action taken.
- D. Safety classes. The Chief of Police may require any person who commits any bicycle or skateboard offense, whether it be of this city, county or state, to attend a special class of bicycle safety. ~~If said violator refuses, his/her registration may be suspended until he/she attends such meeting within 30 days. After 30 days, he/she may apply for a registration and pay the proper fee for the registration.~~

**CHAPTER 102
FIRE PREVENTION
Article III – Fire Lanes**

§ 102-19. Parking prohibited; violations and penalties.

- A. No person shall park or permit to stand a motor vehicle in any fire lane established in accordance with this article, except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle.
- B. Whenever any vehicle shall be found parked in violation of the regulations established above, any police officer may attach to the vehicle a notice, to the owner or operator thereof, that the vehicle has been parked in violation of the regulations. ~~The owner or operator shall pay to the city a sum of not less than \$25 nor greater than \$100, payment of which shall be due within five business days of the issuance of the notice of violation.~~ The registered owner or operator shall pay to the City a fine to be established after a public hearing. The registered owner of the motor vehicle shall be presumed to be the operator of the vehicle. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this article, in addition to the foregoing, may be towed, upon the

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direction of a police officer, to any public or private parking facility, and all expense of towing and any subsequent storage shall be borne by the registered owner or operator of the vehicle.

**CHAPTER 195
TAXICABS**

[HISTORY: Adopted by the City Council of the City of Saco 5-1-1995 as Ch. V, Sec. 5-37, of the 1994 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses -- See Ch. 132.

Vehicles and traffic -- See Ch. 211.

§ 195-7. Issuance or denial of licenses; term.

A. Taxicab operator's license.

(1) Upon receipt of a completed application for a taxicab operator's license, the City Clerk shall refer the same to the Chief of Police or his designee to verify the information set forth therein and to report and comment on the same to the Clerk within 30 days. The Chief of Police will ensure that the information contained on the application is valid and the fee for such investigation and taxicab inspection shall be established by the Council after public hearing.

**CHAPTER 211
VEHICLES AND TRAFFIC
ARTICLE II
Parking and Traffic Regulations**

§ 211-18. Stopping, standing or parking prohibited at specific locations.

No person shall stop, stand or park a vehicle in any of the following places, nor shall any person move a vehicle not owned by him into any of these places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, other authorized person or traffic control device:

O. In a parking space clearly marked as a handicapped parking space and that does not bear a special registration plate or placard issued under Title 29-A, section 521 or 523, or a similar plate issued by another state. "Clearly marked" includes painted signs on pavement and vertical standing signs that are visible in existing weather conditions. The police department shall have the authority to enforce this provision in publicly maintained areas as well as private off-street parking areas.

~~**§ 211-37. Clinging to moving vehicles.**~~**EN**

~~Any person riding upon any motorcycle, coaster, skis, sled, roller skates or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.~~

~~**§ 211-38. Riding on handlebars.**~~

~~The operator of a motorcycle, when upon a street, shall not carry any other person upon the handlebars, frame or tank of any such vehicle, nor shall any person so ride upon any such vehicle.~~

**CHAPTER 211
VEHICLES AND TRAFFIC
ARTICLE V, Traffic Safety Committee**

§211-65. Fees

A. The application fee for any special event considered by the Traffic Safety Committee shall be established by the City Council after a public hearing.

B. The application fee for any neighborhood block party considered by the Traffic Safety Officer shall be established by the City Council after a public hearing.

**ARTICLE VI
Traffic Division**

§ 211-68. Investigation of accidents; filing of reports.

A. It shall be the duty of the Traffic Division to investigate traffic accidents, and said Division shall maintain a suitable system of filing traffic accident reports. Such accident reports or cards referring to them shall be filed ~~alphabetically by location~~ chronologically, and such reports shall be available for use and information by the City Traffic Safety Committee. Whenever the accidents at any particular location become numerous, said Division shall cooperate with the City Traffic Safety Committee in conducting studies of such accidents and determining remedial measures.

B. The Chief of Police or his designee may cause any accident involving a fatality or significant injury or property damage to be investigated by a certified Accident Reconstructionist. The fee for any report produced by the Accident Reconstructionist shall be established by the Council after a Public Hearing.

Chapter 211 – Article VIII – Enforcement; Violations and Penalties

§211-79. Violations and penalties

Every person violating any of the provisions of this chapter shall be subject to a fine of not more than \$100.00.: specific fines follow

Parking & Traffic

<u>Violations</u>	<u>Fine</u>
<u>Parking in a NO PARKING zone</u>	<u>\$25</u>
<u>Parking in a fire lane</u>	<u>\$100</u>
<u>Parking in a handicapped zone</u>	<u>\$100</u>
<u>Overtime parking</u>	<u>\$100</u>
<u>Parking too close to a hydrant</u>	<u>\$100</u>
<u>Parking too close or on a crosswalk</u>	<u>\$25</u>
<u>Parking on a sidewalk</u>	<u>\$100</u>
<u>Parking on wrong side of street (facing traffic)</u>	<u>\$25</u>
<u>Parking during snow emergency</u>	<u>\$25</u>
<u>Blocking driveway (upon complaint)</u>	<u>\$100</u>
<u>Parking in a permitted zone without a permit</u>	<u>\$50</u>
<u>tickets not paid within 5 days shall double</u>	

STATE STATUTE ON HANDICAP PARKING

Title 29-A, section 521, subsection 9-A, and Title 30-A, MRSA, section 3009, subsection 1-D. It reads: (29-A first)

29-A. Enforcement of handicapped parking restrictions. Local or county law enforcement agencies may enforce handicapped parking restrictions on private off-street parking areas. The State Police shall enforce handicapped parking restrictions at service facilities established on the Maine Turnpike and on the interstate highway system in the State.

and then Title 30:

“D. The following provisions apply to the establishment and policing of parking spaces for handicapped persons.

(1) Municipal public parking areas are subject to any applicable requirements of the Maine Human Rights Act, Title 5, chapter 337, subchapter V. The municipality shall post a sign adjacent to and visible from each handicapped parking space established by the municipality. The sign must display the international symbol for accessibility.

(3) Any vehicle or motorcycle parked in a parking space clearly marked as a handicapped parking space and that does not bear a special registration plate or placard issued under Title 29-A, section 521 or 523, or a similar plate issued by another state, must be cited for a forfeiture of not less than \$100. "Clearly marked" includes painted signs on pavement and vertical standing signs that are visible in existing weather conditions.

COMPARISON FEE CHART FOR FEES

Police Department Fee Schedule

Code Section	Title	Current Fee	New Fee
211	Parking & Traffic		
	Parking in a NO PARKING zone	\$10	\$25
	Parking in a fire lane	\$25	\$100
	Parking in a handicapped zone	\$50	\$100
	Overtime parking	\$5	\$100
	Parking too close to a hydrant	\$10	\$100
	Parking too close or on a crosswalk	\$10	\$25
	Parking on a sidewalk	\$10	\$100
	Parking on wrong side of street (facing traffic)	\$10	\$25
	Parking during snow emergency	\$5	\$25
	Blocking Driveway upon complaint	\$10	\$100
	Parking in a permitted zone with out a permit	\$.-	\$50
	All other violations (except as noted) (Approximately 400 tickets per year)	\$10	\$50
	Tickets not paid within 5 days shall double		

**Police Department Fee Schedule –
May 3, 2003**

Code		
Section	Title	New Fee
57-3	Alarm System Permit Fees	\$25
57-3	Penalty for Response to Non-permitted alarm	\$200
69-7	Bicycle Registration	Elimination
4-16	Non-criminal finger print fee	\$20
211-65-	Block Party fee	\$25
211-65-	Special Event fee	\$100
195-7	Taxicab inspection & background check fee	\$50
4-16	Outside police assignments	\$50 for officer \$65 for officer w/ cruiser