Chapter 176, SEWERS

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

GENERAL REFERENCES

Building construction—See Ch. 73.
Sludge—See Ch. 181, Art. V.
Street excavations—See Ch. 186, Art. I.

Part 1, Sewer Use and Connections

ARTICLE I, Terminology

§ 176-1. Definitions and word usage.

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

ACT—The Clean Water Act (33 U.S.C. § 1251 et seq.), as amended.

BOD (denoting "biochemical oxygen demand") -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter (mg/l).

BUILDING DRAIN—That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER—The extension from the building drain to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARDS—Any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial dischargers.

CITY—The City of Saco.

COD (denoting "chemical oxygen demand") -- The amount of oxygen required for the chemical oxidation of carbonaceous (organic) materials in wastewater, using inorganic dichromate as oxidants, in a two-hour test.

COMBINED SEWER—A sewer receiving both surface runoff and sewage.

COMMERCIAL USER—All retail stores, restaurants, office buildings, laundries and other private business and service establishments.

DEVELOPMENT—An area of land improved to include residential dwelling units, streets, landscaping, commercial buildings and services such as water and sewer.

DISCHARGER or INDUSTRIAL DISCHARGER—Any nonresidential user who discharges into city-owned wastewater facilities by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches and all constructed devices and appliances appurtenant thereto.

GARBAGE—Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GOVERNMENTAL USER—Includes legislative, judicial, administrative and regulatory activities of federal, state and local governments.

INDIRECT DISCHARGE—The discharge or the introduction of nondomestic pollutants from a source regulated under Section 307(b) or (c) of the Act into a city-owned wastewater facility.

INDUSTRIAL USER—Includes any nongovernmental, nonresidential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A, Agriculture, Forestry and Fishing; Division B, Mining; Division D, Manufacturing; Division E, Transportation, Communications, Electric, Gas and Sanitary; and Division I, Services.

INDUSTRIAL WASTE—Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources. Industrial waste is distinct from sanitary sewage.

INSTITUTIONAL USER—Includes social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

INTERFERENCE—The inhibition or disruption of a city sewer system, treatment process or operation which contributes to a violation of any requirement of its NPDES permit or prohibits or otherwise limits sludge disposal options.

NATURAL OUTLET—Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NORMAL DOMESTIC WASTEWATER—Wastewater that has BOD concentration of not more than 200 mg/l and a suspended solids concentration of not more than 200 mg/l and a COD concentration of not more than 500 mg/l.

NPDES—The National Pollutant Discharge Elimination System permit program of the United States Environmental Protection Agency.

O AND M—Operation and maintenance.

OPERATION AND MAINTENANCE—Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term “operation and maintenance” includes “replacement” as defined in this section.

OTHER WASTES—Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

OWNER—The person or persons having title to the pumping station and may include the person or persons having title to the land upon which the pumping station is located.

PASS-THROUGH—The discharge of pollutants through the city’s wastewater facilities into navigable water in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the city’s NPDES permit.

PERSON—Any individual, firm, company, association, society, corporation or group.

pH—The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTANT—Any dredges, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water, which enters city-owned facilities.

PRETREATMENT—The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a city-owned wastewater facility.

PROPERLY SHREDDED GARBAGE—The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

PUBLIC SEWER—A sewer, gravity-flow, in which all owners of abutting properties have equal rights and which is controlled by public authority.

PUMPING STATION—Equipment designed to provide for the proper flow of sewage from a lower elevation to a higher elevation for eventual entry into the public sewer system.

REPLACEMENT—Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL USER—Any contributor to the city's treatment works whose lot, parcel or real estate or building is used for domestic dwelling purposes only, but not including hotels, motels, boardinghouses, tourist homes or bed-and-breakfast establishments.

SANITARY SEWER—A sewer, gravity-flow, which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEASONAL USER—A user who has the Water Company remove a water meter for any period during the year.

SEWAGE—Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, storm-, surface or other waters as may be present.

SEWAGE WORKS—All facilities for collecting, pumping, treating and disposing of sewage.

SEWER—A pipe or conduit for carrying sewage.

SLUG—Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operation.

SLUG LOAD—Any substance released in a discharge at a rate and/or concentration which causes interference to a city-owned wastewater facility.

STORM DRAIN (sometimes termed "storm sewer") -- A sewer which carries storm- and surface waters and drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

SUPERINTENDENT—The Sanitary Engineer of the City of Saco or his authorized deputy agent or representative. "Superintendent" shall also mean the chief administrative position at the city's Wastewater Treatment Plant.

SUSPENDED SOLIDS—Solids that either float on the surface of or are in suspension in water, wastewater, sewage or other liquids and that are removable by a standard laboratory filtering procedure.

TOXIC POLLUTANTS—Those substances listed in Appendix B herein.

TREATMENT WORKS—Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear-well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

UPSET—An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this chapter due to factors beyond the reasonable control of the discharger and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation thereof.

USEFUL LIFE—The estimated period during which a treatment work will be operated.

USER CHARGE—That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, replacement and debt service of the wastewater treatment works.

WASTEWATER—Industrial waste or sewage or any waste, including that which may be combined with any groundwater, surface water or stormwater, that may be discharged to the city's wastewater facilities.

WASTEWATER FACILITIES—Any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the city.

WASTEWATER TREATMENT PLANT—Any arrangement of devices and structures used for treating sewage.

WATER COMPANY—The Biddeford-Saco Water Company.

WATER METER—A device for measuring and recording water volume furnished and/or installed by a user and approved by the Water Company or the Superintendent.

B. "Shall" is mandatory; "may" is permissive.

ARTICLE II, Mandatory Connections

§ 176-2. Deposit of waste.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.

§ 176-3. Discharge of sewage or other polluted waters.

It shall be unlawful to discharge in any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 176-4. Privies, privy vaults, septic tanks and cesspools.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage.

§ 176-5. Connection to public sewer required.

A. Required connections.

(1) Except as provided in Subsection B, the owner of all new houses, new construction or newly improved houses, buildings or other properties used for human occupancy, employment, recreation or other purposes situated and abutting any street, alley or right-of-way in which there is now located a public sanitary or combined sewer of the city is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of this Part 1 if the house, building or portion of the property used for human occupancy, recreation, employment or other purposes is within 150 feet of the public right-of-way in which the sewer is located. The sewer connection shall be made at the time of construction and no occupancy permit shall be issued for the property until such sewer connection is made and ready for use.

(2) When a new sewer is constructed, except as provided in Subsection B, the owner of all houses, buildings and properties used for human occupancy, employment, recreation or other purposes situated and abutting any street, alley or right-of-way where a new public sanitary sewer is built is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of this Part 1 within 90 days after the date of official notice to do so, provided that said public sewer is within 150 feet of the right-of-way in which the sewer is located. Official notice shall be provided, in writing and by appropriate service or mailing, by the City Administrator after certification by the Superintendent that the sewer may be connected to.

B. When gravity flow cannot be obtained from an existing residential building, the connection to a public sewer is not required. Private sewage disposal systems serving properties exempted under this subsection shall not be replaced without connection to the public sewer unless the proposed replacement system meets all provisions of the Maine State Plumbing Code rules for subsurface wastewater disposal without the granting of a variance.

§ 176-6. Estimate and assessment of costs; notice; hearing.

The provisions of 30 M.R.S.A. § 4451 are hereby adopted for enactment by reference and are as follows:EN

Municipal officers shall after construction of a public drain or common sewer, determine what lots or parcels of land are benefited by such drain or sewer and shall estimate and assess upon such lots and parcels of land and against the owner thereof or person in possession or against whom the taxes thereon shall be assessed, whether the person to whom the assessment is so made shall be the owner, tenant, lessee or agent and whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable toward defraying the expenses of constructing and completing such drain or sewer, together with such sewage disposal units and appurtenances as may be necessary. The whole of such assessment not to exceed ½ the cost of such sewer and sewage disposal units and such drain or sewer shall forever be maintained and kept in repair by the city. The municipal officers shall file with the city Clerk the location of such drain or sewer and sewage disposal unit, with a profile description of the same and a statement of

the amount assessed upon each lot or parcel of land so assessed and the name of the owner of such lots or parcels of land or person against whom said assessment shall be made and the city Clerk shall record the same in a book kept for that purpose and within 10 days after filing such notice, each person so assessed shall be notified of such assessment by having an authentic copy of said assessment, with an order of notice signed by the Clerk of said city, stating the time and place for a hearing upon the subject matter of said assessments, given to each person so assessed or left at his usual place of abode in said city. If he has no place of abode in said city, then such notice shall be given or left at the abode of his tenant or lessee, if he has one in said city; if he has no such tenant or lessee in said city then by posting the same notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least 30 days before said hearing or such notice may be given by publishing the same three weeks successively in any newspaper published in said County, the first publication to be at least 30 days before said hearing. A return made upon a copy of such notice by any constable in said city or the production of the paper containing such notice shall be conclusive evidence that said notice has been given and upon such hearing the municipal officers shall have power to revise, increase or diminish any of such assessments and all such revisions, increase or diminution shall be in writing and recorded by such Clerk.

Farmland will be exempt from assessment as provided in Section 4451.2 of Title 30 M.R.S.A.

Force Main Connections Prohibited.

a. Force Main Connections Prohibited. No person shall connect wastewater discharges to a city-owned force main unless the force main and pumping station have been specifically designed to accommodate multiple pump stations.

Low pressure force main connections would not be prohibited.

b. Definitions:

"Force main" shall mean a pressurized line delivering wastewater from a pump station to a point where gravity flow is possible.

"Low Pressure Force Main" shall mean a pressurized line designed to accommodate individual building pump stations. A low pressure force main would not have a single pump station responsible for transferring the wastewater to the gravity point.

§ 176-7. Arbitration.

Any person not satisfied with the amount for which he is assessed under § 176-6 may within 10 days after such hearing, by request, in writing, given to such Clerk, have the assessment upon his/her lot or parcel of land determined by arbitration. The municipal officers shall nominate six persons who are residents of the city, two of whom shall be elected by the applicant, with a third resident person selected by the two persons, and shall fix the sum to be paid by him/her, and the report of such referees made to the City Clerk and recorded by him/her shall be final and binding upon all parties. Said reference shall be had and their report made to the City Clerk within 30 days from the time of hearing before the municipal officers as provided in § 176-6.

§ 176-8. Collection of assessments.

All assessments and charges made under this article shall be certified by municipal officers and filed with the Tax Collector for collection. If the person assessed, within 30 days after written notice of the amount of such assessments and charges, fails, neglects or refuses to pay the city the expense thereby incurred, a special tax in the amount of such assessment and charges may be assessed by the City Assessors upon each and every lot or parcel of land so assessed, and buildings upon the same and such assessment shall be

included in the next annual warrant to the Tax Collector for collection and shall be collected in the same manner as state, county and municipal taxes are collected.

ARTICLE III, Waivers

§ 176-9. Purpose.

The purpose of this article is to allow property owners an opportunity to request a waiver of § 176-5, which requires the connection of habitable structures within 150 feet of the city sewer to that sewer. Waivers can be made on the basis of engineering, topographic or undue hardship on the property owner as determined by the Sewer Connection Waiver Committee.

§ 176-10. Sewer Connection Waiver Committee.

The Sewer Connection Waiver Committee shall consist of the following officials: the Superintendent of the Wastewater Treatment Facility, Director of Public Works, Building Inspector and Finance Director.

§ 176-11. Waiver requests.

A. Upon notification by the City Administrator's office requiring connection within 90 calendar days, the resident must file an appeal with the City Administrator's office within 30 calendar days of the date of notification.

B. Waiver requests based on a physical problem with connecting the structure to the service connection installed by the city shall include a plot plan showing the installed stub, home and any natural or geographic obstacles which would interfere or prohibit connection to the stub. A waiver shall not be granted if relocation of the service connection at the owner's expense will remove the undue hardship. The applicant will also include a written description of reasons for which a connection to the stub would cause a hardship. The applicant should include any documentation from engineering or architectural firms or a contractor which may support the claim of undue hardship.

C. Waiver requests based on financial hardships shall include any items which support the applicant's claim, such as federal or state income tax records, bank statements and other pertinent financial documentation which may be needed for the committee to reach a decision. It shall be the applicant's obligation to show a total lack of financial resources, including but not limited to refusals from financial institutions.

§ 176-12. Rules of procedure.

A. Upon receiving the application, the Waiver Committee will notify the applicant of the time and date of hearing.

B. The Waiver Committee shall adopt its own rules of procedure for the reviewing of the requests and waivers.

C. The Committee may accept any written or oral testimony supporting the applicant's request, provided that the testimony is not irrelevant, immaterial or unduly repetitious.

D. The Waiver Committee may conduct such cross-examination as may be required for a full and true disclosure of the facts. The Waiver Committee shall confine its decision to the information and material gathered at the hearing.

E. All meetings shall be open to the public, and only those materials and testimony introduced at the hearing shall be used as the basis for decisions. Correspondences and other material in the possession of the city shall be made record.

F. The Waiver Committee may adjourn a meeting and visit the site for which a waiver is being requested. Site visits by the Committee shall be arranged with the property owner, who shall have an opportunity to be present or be represented.

§ 176-13. Decision.

A. The Waiver Committee shall forward its decision on the appeal to the City Administrator's office for final dispensation.
B. The applicant shall be notified by the City Administrator of the Waiver Committee's decision.

§ 176-14. Request for City Council hearing.

A. The applicant may request a hearing before the City Council if he/she disagrees with the decision of the Waiver Committee.
B. The applicant must request a hearing within 30 calendar days of the notification of decision from the City Administrator.
C. The City Administrator's Office will then notify the applicant of the date and time of the hearing.

ARTICLE IV, Private Disposal Systems

§ 176-15. Use permitted when public sewer unavailable.

When a public sanitary or combined sewer is not available under the provisions of § 176-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

§ 176-16. Permit required prior to construction.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement with any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee shall be paid to the Plumbing Inspector at rates as established by the state.

§ 176-17. Effective date of permit; inspection.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He/she shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

§ 176-18. Construction standards.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Maine. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities which do not comply with state health regulations. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§ 176-19. Availability of public sewer.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 176-5, a direct connection shall be made to the public sewer in compliance with this Part 1, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

§ 176-20. Operation and maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

§ 176-21. Additional requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

§ 176-22. Time limit for connection; private system to be cleaned and filled.

When a public sewer becomes available, the building sewer shall be connected to the sewer within 90 days, unless the building is exempted under Subsection B of § 176-5, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank gravel or dirt.

ARTICLE V, Building Sewers and Connections

§ 176-23. Permit required.

A. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Works.

B. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the sewer shall notify the Superintendent at least 45 days prior to the proposed change or connection.

§ 176-24. Classes of permits; application; fees.

A. There shall be two classes of building sewer permits:

(1) For residential and commercial service.

(2) For service to establishments producing industrial wastes.

B. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of $50 for a residential or commercial sewer permit and $100, plus $100 per each additional day of estimated required inspection services, for an industrial building sewer permit shall be paid to the city at the time the application is filed.

§ 176-25. Costs and expenses; indemnification of city.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 176-26. Separate sewers required; exception.

A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 176-27. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this article.

§ 176-28. Construction standards.

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joining, testing and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

§ 176-29. Use of gravity flow.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 176-30. Prohibited connections.

No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 176-31. Connection specifications.

The connection of the building sewer to the public sewer shall conform to the requirements of the Building and Plumbing CodeEN or other applicable rules and regulations of the city or the procedure set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and material must be approved by the Director of Public Works before installation.

§ 176-32. Inspection; supervision of connection.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director of Public Works or his representative.

§ 176-33. Safety precautions.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

§ 176-34. Sewer connection charge. [Amended 6-5-1995; 1-20-1998]

A. Every person seeking to make connection with the City of Saco public sewer system shall make such connection at his/her own expense after securing a proper permit under this section and paying the charge under Subsection B. Every user of the sewer system who increases his/her use of the system shall pay the charge required under Subsection C. “User” means the owner of real estate serviced by the sewer system.

B. The connection charge is established based on the number of flow units which any particular use can be anticipated to produce and which will impact on the sewer treatment system. A single flow unit is based on an anticipated load of 300 gallons per day. Appendix A, attached hereto and a part hereof,EN sets forth a schedule of the flow units for those uses listed. A charge of $900 per flow unit is hereby established.

(1) The Superintendent shall provide an annual report to the City Council concerning the administration of this section and the collection of the charge created by this section. In his/her annual report, and at such other times as he deems necessary, he shall suggest whatever changes he thinks appropriate to the schedule contained in Appendix A. The City Council may make amendments to Appendix A, by order.

(2) When any commercial or industrial use exceeds, or will exceed, the anticipated load described by the number of low units set forth on Appendix A, the City Council may set the connection charge under this section based on the actual load or the load which can be reasonably estimated.

(3) Any person seeking to make connection shall fill out an appropriate form provided by the Building Inspector. No building permit or occupancy permit, whether for

new use or construction or structural change or change of use, may be issued until the charge under this section has been paid.

C. Any single-family residence and any building, structure or use, completed and in existence on April 1, 1986, and not then connected to the sewer system, will be subject to an impact fee of $450 at the time of connection. For such structures or uses, the Superintendent shall determine a sewer use base level, expressed in flow units, for any flow impacting the sewer system on that date. For structures or uses connecting to the system after April 1, 1986, the sewer use base level shall be established at the time of connection and shall be subject to the full impact fee of $900 per flow unit. For any change of use, or any structural expansion or alteration, or any change which results in an increase of flow or pollutant loading above the sewer use base level as determined by the Superintendent, the user shall pay a charge of $900 per additional flow unit.

D. All charges generated by this section shall be placed in a nonlapsing fund, to be known as the "Wastewater Treatment Facilities Fund," to be used only for improvements to the existing wastewater treatment facilities or construction of additional treatment facilities.

ARTICLE VI, Regulation of Discharges

§ 176-35. Sanitary sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

§ 176-36. Storm sewers, combined sewers and natural outlets.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

§ 176-37. Prohibited discharges.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and flashings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 176-38. Discharges prohibited on opinion of Superintendent.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, sewage treatment process or equipment; can have an adverse effect on the receiving stream; or can otherwise endanger life, limb or public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than 150° F. (65° C.).

B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (O° and 65° C.).

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of ¾ horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Superintendent.

D. Any waters or wastes containing strong-acid iron-pickling wastes or concentrated plating solutions, whether neutralized or not.

E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

F. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

H. Any waters or wastes having a pH in excess of 9.5.

I. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or which are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 176-39. Powers and duties of Superintendent.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 176-38 and, in the judgment of the Superintendent, may have a

deleterious effect upon the sewage works, processes, equipment or receiving waters or otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes.

B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

§ 176-40. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 176-41. Preliminary treatment and flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

§ 176-42. Control manholes.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 176-43. Measurements, tests and analyses.

A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH’s are determined from periodic grab samples.)

B. All industries discharging into a public sewer shall perform such monitoring of their discharge as the Superintendent and/or other duly authorized employees of the city may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting results of such monitoring to the

Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

§ 176-44. Acceptance of unusual wastes.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, provided that such agreement does not contravene any requirement of existing federal laws and is compatible with any user charge and industrial cost recovery system in effect.

ARTICLE VII, Protection from Damage

§ 176-45. Damage to facilities; violations and penalties.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VIII, Inspectors

§ 176-46. Right of entry.

The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 176-47. Safety rules; indemnification.

While performing the necessary work on private properties referred to in § 176-46, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 176-30.

§ 176-48. Easements.

The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Chapter 181, SOLID WASTE

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

GENERAL REFERENCES

Noise—See Ch. 149.

Property maintenance—See Ch. 163.
Recreational vehicles—See Ch. 169.
Sewers—See Ch. 176.
Junked vehicles—See Ch. 214.

ARTICLE I, Collection and Removal

§ 181-1. Definitions.

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

GARBAGE—Includes all decayed or spoiled food and refuse resulting from the preparation of food.

RESIDENTIAL USES—For the purpose of providing solid waste collection, includes single-family, duplex and multifamily dwellings (up to and including six units) on public ways.

RUBBISH—Waste material not containing putrid matter or organic waste. "Rubbish" does not include stumps, recyclable material or other wastes designated as unacceptable herein.

§ 181-2. Container specifications.

A. All garbage and rubbish containers required by this article shall be of metal or an acceptable material having a capacity not in excess of 32 gallons and shall not be filled to a total gross weight of 50 pounds each. Each family will be allowed up to, but not to exceed, three such containers per pickup.

B. All nonresidential users shall provide adequate garbage containers for the weekly rubbish generated by the business conducted on the premise. At a minimum, the owner shall provide a secured container or containers with closable covers to minimize the stacking and spreading of the garbage generated by the subject business. [Added 10-20-1997]

§ 181-3. Containers required; hours for placement and removal.

It shall be the responsibility of the occupant of every dwelling unit to provide and make available suitable and sufficient containers as described by § 181-2 to receive the accumulation of garbage, rubbish and other waste materials on the premises during the interval between collections. No containers shall be placed on the street or roadside more than 12 hours prior to pickup. All containers and covers shall be removed within eight hours after pickup.

§ 181-4. Accumulation of rubbish prohibited.

Each container shall be placed on the street and/or roadside on the designated day of pickup. No person shall cause or permit any accumulation of rubbish which, in the opinion of the Health Officer or Health Inspector, is unsanitary or hazardous to the health of the public or, in the judgment of the Fire Chief of the Fire Department, constitutes a fire hazard.

§ 181-5. Pickup schedule.

The city may provide one scheduled waste pickup and one recyclable pickup per week per route for all residential uses, except during cleanup weeks, by the order of the City Council and Director of Public Works.

§ 181-6. Commercial uses.

No person, firm or corporation owning, operating or being in charge of any public warehouse, market, store, fruit stand, restaurant, kitchen, dining room or other place where putrescible waste matter or other rubbish accumulates shall permit the deposit or

accumulation of such waste matter or other rubbish in or upon the building or premises controlled by him or it.

§ 181-7. Contracted services.

The city, at its discretion, may enter into contracts for the collection of recyclable materials or other solid wastes with residential uses that do not meet the strict definition of residential uses in this article. Such additional residential uses would include but not be limited to condominium associations. Each contract shall be negotiated individually.

§ 181-8. Pickup procedure.

The occupants of every residential building shall place containers for the removal of the contents by the persons authorized to collect the same, and no person other than the occupant, the owner of the premises or an authorized collector shall remove, take or otherwise disturb this refuse or any portion thereof so placed for removal. Containers placed in the public way on the regularly scheduled collection day shall be considered as being intended for collection, and as such shall be collected by no one other than authorized persons. Containers, if containing putrescible matter, shall be covered to prevent the ingress of flies, rats or other animals.

§ 181-9. Abuse of containers.

No person shall willfully remove, destroy, mutilate or utilize for another purpose other than the holding of rubbish, garbage, recyclables or other waste matter containers which have been provided in accordance with this article.

§ 181-10. City equipment on private property.

No city equipment shall leave public-used and city-maintained roads, streets, lanes, highways, etc., to go on private property to pick up waste or rubbish, unless otherwise provided for herein.

§ 181-11. Notice to remove waste.

Any owner, agent or occupant of land upon whose premises any unlawful accumulation of offal, refuse, waste or rubbish may be found shall, within 24 hours after receiving written notification from the Chief of Police or Health Officer, cause the same to be removed and the nuisance abated in a manner satisfactory to the Health Officer and the Chief of Police.

§ 181-12. Conveyance of refuse.

Every vehicle which shall be used for the conveyance of ashes, cinders, sawdust, loose paper, cartons, boxes, cases, slabs, sticking wood, rubbish, gravel, dirt or any other substance or material or any other articles which may fall therefrom shall be entirely enclosed or have tarpaulins or covers securely attached to the sides and ends of the vehicle and of sufficient size and form as shall entirely cover the contents of such vehicle and prevent such contents from being blown or falling therefrom, irrespective of whether such vehicle is licensed for the conveyance of such contents or not.

§ 181-13. Violations and penalties.

Any person or persons violating any of the provisions of this article shall be subject to a penalty of not less than $20 nor more than $75 for each offense.

ARTICLE II, Disposal Facilities

§ 181-14. Findings and purpose.

A. The city has a statutory obligation to provide a solid waste disposal facility for domestic and commercial waste generated within the city and is authorized to provide

such a facility for industrial waste and sewage treatment plant sludge pursuant to 38 M.R.S.A. § 1305, Subsection 1. Municipal solid waste contains valuable recoverable resources, including energy, which, if recovered, reduce the cost of solid waste disposal. Because energy recovery technology is complex, most energy recovery facilities have high capital costs and long payback periods. To remain cost-effective and operate efficiently during their useful lives, energy recovery facilities require a guaranteed steady supply of waste during their entire useful life. Consequently, a municipality that wants to utilize an energy recovery facility for processing municipal solid wastes generally must agree to provide the facility with a steady supply of solid waste for a relatively long period.

B. The city must exercise its legal authority to control the collection, transportation and disposal of solid waste generated within its borders to ensure delivery of a steady supply of waste to the energy recovery facility designated herein. The city finds that use of any energy recovery facility to process acceptable solid waste is an environmentally sound and economically viable solution to the solid waste disposal problem and thereby protects the public health, welfare and safety of the citizens of the city.

§ 181-15. Definitions.

As used in this article, the following terms have the following meanings, unless the context indicates otherwise:

ACCEPTABLE WASTE—Solid wastes of the type presently accepted at the landfill used by the municipality, including all ordinary household, municipal, institutional and industrial wastes, with the following exceptions:

A. Demolition or construction debris from building and roadway projects or locations.

B. Liquid wastes or sludges.

C. Abandoned or junk vehicles.

D. Hazardous waste; that is, waste with inherent properties that make it dangerous to manage by ordinary means, including but not limited to chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes and other wastes defined as hazardous by the State of Maine or the Resource Conservation and Recovery Act of 1976, as amended, or other federal, state and local laws, regulations, orders or other actions promulgated or taken with respect thereto.

E. Dead animals or portions thereof or other pathological wastes.

F. Water treatment residues.

G. Tree stumps.

H. Tannery sludge.

I. Waste oil.

J. Discarded white goods, including but not limited to freezers, stoves, refrigerators and washing machines.

COLLECTION FACILITY—A building or container or designated area at which acceptable waste is disposed for transshipment to the energy recovery facility.

DISPOSAL FACILITY—One or more facilities designated by the municipality as the storage and/or disposal site for unacceptable wastes.

ENERGY RECOVERY FACILITY—The facility designated herein which processes and recovers energy and/or useful materials from acceptable waste generated in the city.

MIXED OR SPLIT LOAD—Municipal solid waste generated by two or more municipalities and transported by a single waste vehicle for disposal at the Maine Energy Recovery Company (MERC) facility and chargeable to respective municipalities.

MUNICIPALITY—The City of Saco, Maine.

UNACCEPTABLE WASTE—All solid waste of the type municipalities are required to regulate by 38 M.R.S.A. § 1305, as amended, which specifically excludes industrial and sewage treatment plant sludge and is not included in the definition of acceptable waste.

§ 181-16. Energy recovery facility.

In accordance with the provisions of 38 M.R.S.A. § 1304-B, the city hereby designates the Maine Energy Recovery Company facility located in Biddeford, Maine, as its energy recovery facility for the purposes cited in § 181-14.

§ 181-17. Regulated activity.

The accumulation, collection, transportation and disposal of acceptable waste and unacceptable waste generated within the city shall be regulated in the following manner:

A. All acceptable waste generated within the city shall be deposited at a collection facility or directly at the energy recovery facility.
B. All unacceptable waste generated within the city shall be deposited at a disposal facility.
C. Mixed or split loads are prohibited under this article.

§ 181-18. Exempted waste.

The following categories of waste shall be exempted from regulation by this article:

A. Materials from manufacturing, processing or packaging operations which are segregated from solid waste and salvaged for alternate use or reuse by the generator or sold to third parties.
B. Glass, metal or other noncombustible materials which are separated from acceptable waste by the generator as part of a recycling program approved by the City Council.
C. Cardboard, paper or other combustible materials which are separated from acceptable waste by the generator as part of a recycling program approved by the City Council, provided that any such recycling program shall not reduce the British thermal unit (Btu) content of acceptable waste below the Btu level acceptable to the energy recovery facility.

§ 181-19. Property rights.

All acceptable waste collected for transfer to the energy recovery facility or deposited at a disposal facility shall become the property of the city or its assignee. No one may salvage, remove or carry off any such waste without prior approval of the City Council.

§ 181-20. Administration.

This article shall be administered by the City Council. Its powers and duties are as follows:

A. To adopt reasonable rules and regulations as needed to enforce this article.
B. To consider all license applications and to grant or deny each application within 60 days after receipt of a completed application at the city offices or within such other time as the Council and the applicant shall agree is reasonable.
C. To review any alleged violation of this article and to impose appropriate penalties therefor after notice and hearing as required by this article.
D. To institute necessary proceedings, either legal or equitable, to enforce this article.

§ 181-21. Licenses; fees.

A. No person, firm or corporation shall accumulate, collect, store, transport or dispose of acceptable waste or unacceptable waste generated within the city without obtaining a license from the City Council.

B. Any person, firm or corporation required by this article to obtain a license shall make application to the City Council, providing the information required. Each application shall be accompanied by a nonrefundable application fee of $150.

C. The application shall contain all information required by the City Council, including but not limited to a description of the activity, e.g., collection, transport or disposal of acceptable and/or unacceptable waste; the type and amount of waste handled in each service area; a description of the facility operated and used; and an equipment inventory, including, for vehicles, a description of the make, model and year of each vehicle used for the collection or transportation of solid waste, which information shall be revised annually upon license renewal. If the City Council determines the application to be incomplete, it shall notify the applicant, in writing, of the specific information necessary to complete it. The City Council shall be informed immediately of any changes in or additions to equipment, including vehicles.

D. Licenses are not transferable.

E. All licenses shall expire one year from the date of issue, unless otherwise stated on the license or revoked or suspended sooner in accordance with the provisions of this article.

F. In the event that the City Council denies a license application, it shall notify the applicant, in writing, and shall state the reasons for the denial. The applicant may request a public hearing in accordance with the procedures in § 181-23.

G. In the event that the City Council grants a license application, the applicant shall pay a fee of $100 for each vehicle licensed or $100 for each applicant licensed for activities not involving the transport of solid waste. This fee is in addition to the application fee. The Council may prorate this fee where appropriate. The Council may not refund any portion of this fee if the license is suspended or revoked.

H. The Council may grant a special license to a licensee, for a limited period and upon such terms and conditions as it deems appropriate using the procedure that it deems appropriate, for a replacement vehicle in the event of an emergency or a vehicle breakdown.

I. The Council may deny a license application upon a finding that the applicant:

(1) Does not have the financial capacity and technical ability to conduct the activity described in the application.

(2) Has not made adequate provision for the control of offensive odors or has not made adequate provision to prevent air and water pollution.

(3) Has not previously secured any necessary state or federal permits.

(4) Has failed to respond to inquiries relative to the source of waste or location of waste generators during periods of time when the City Administrator or his/her designee is monitoring tonnage being hauled by waste haulers. Failure to respond within 14 days of an inquiry shall be reason for denial.

(5) Has failed to transport waste loads in completely enclosed containers or vehicles. Such containers or vehicles shall be kept tightly covered and secured to prevent any spillage on public ways.

(6) Has failed to comply with any other provisions of this article.

J. As a general condition of all licenses, a licensee shall be billed monthly by the City of Saco for the tipping fees paid at MERC on the licensee’s behalf by the City of Saco. In addition, the city shall add a ten-percent administrative surcharge to the monthly bill. Allowing a balance to remain unpaid for longer than 30 days will constitute a violation of this article and is grounds for revocation of the license. (Within 30 days of the effective date of this amendment, all licenses issued under this article shall be reissued with this general condition. No additional application fee will be required and the existing expiration date will remain the same.) This provision will not pertain to any company operating under a city contract.

§ 181-22. License suspension or revocation.

Any license issued may be suspended or revoked by order of the City Council after benefit of a hearing in accordance with the procedures in § 181-23 for the following causes:

A. Violation of this article.
B. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this article.
C. Violation of any license condition.
D. Falsehoods, misrepresentations or omissions in the license application.

§ 181-23. Hearings.

A. Anyone denied a license or whose license is suspended or revoked pursuant to § 181-22 is entitled to a hearing before the City Council if such request is made, in writing, within 10 days of the denial, suspension or revocation.
B. Such hearings shall be held within 30 days after receipt of the written request for a hearing.
C. The licensee or applicant shall be notified, in writing, as to the time and place of the hearing at least 10 days prior to the hearing date. The applicant or licensee has the right to be represented by counsel, to offer evidence and to cross-examine witnesses, but the hearing is not subject to rules of evidence or formal rules for adjudicatory proceedings.
D. A determination shall be made by the City Council within 10 days after the conclusion of the hearing, and notice of the decision shall be served upon the applicant or licensee by registered mail, return receipt requested.
E. The City Council's final determination relative to the denial or suspension or revocation of a license and the period of suspension or revocation shall take effect as provided in the notice, unless, at the time of final determination, the City Council made it effective immediately. The City Council's determination is conclusive. Notice of the final determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof, together with a statement that such decision may be appealed as provided in this article.
F. Any controversy or claim arising out of or relating to the municipal officers' determination may be appealed to the Superior Court pursuant to Maine Rules of Civil Procedure, Rule 80B, within 30 days after the City Council's final determination.

§ 181-24. Enforcement; violations and penalties.

This article shall be enforced by the City Council or its designees. Any person violating any provision of this article commits a civil violation for which a forfeiture of not less than $500 nor more than $1,000 shall be adjudged. Each day of violation constitutes a separate offense. Any violation is deemed to be a nuisance, and the City Council may bring an action for equitable relief.

§ 181-25. Variances.

The city officers may, on written application, grant a variance from a specific provision of this article in a specific case, subject to appropriate conditions, where such variance is in harmony with the general purpose and intent of this article and the agreement between the city and the energy recovery facility.

§ 181-26. When effective.

This article shall become effective on the date that the energy recovery facility begins commercial operations, provided that the city provides notice of commencement in the manner required for publication of ordinances. Any person, firm or corporation required

to obtain a license hereunder shall have 60 days from the date of adoption of this article to secure such license, which shall become effective on the date specified therein.

ARTICLE III, Transfer Station

§ 181-27. Findings and purpose.

A. The energy recovery facility, operated by MERC, is not designed to receive certain types of solid wastes. Those types of solid wastes are listed in § 181-15 under the definition of acceptable waste, the exceptions listed in Subsections A to J.

B. It is important that the city provides a disposal facility (hereinafter referred to as "transfer station") for the receipt of unacceptable waste other than hazardous waste. This article sets out the procedure for the operation of the transfer station, to be operated pursuant to a management agreement between the City of Saco and the city's designated transfer station operator.

§ 181-28. Permit required.

Any person who has a valid permit issued under § 181-29 may dispose of waste, other than hazardous waste, which is deemed by the energy recovery facility to be not acceptable, by disposing of it at the transfer station, to be operated and maintained by the city's designated operator pursuant to the management agreement between the city's designated operator and the City of Saco.

§ 181-29. Permit procedure; fees.

A. Permits are available to any property owner who completes an application form. Such persons may be issued a transfer station permit which they will show at the transfer station when disposing of waste material. Permits are limited to one per property owner. Property owners of multifamily buildings having six units or fewer should be allocated three cubic yards for the first unit and one cubic yard for each additional unit. Owners of two or more multifamily units and/or multiple single units will be limited to a maximum of 10 cubic yards for any given year from the date of issuance. [Amended 2-18-1997]

B. Permit holders are subject to a fee per cubic yard of waste material disposed of, this fee to be set by the City Council annually or more often if necessitated by contract changes. Permit holders may dispose of up to three cubic yards in any one year without paying a disposal fee. For the purpose of this section, "any one year" means 12 months from the date of issuance of the permit. [Amended 2-18-1997]

C. Application forms for permits shall be made available through the Office of the City Clerk, pursuant to the terms of the management agreement between the city's designated operator and the City of Saco.

D. All applicants agree to abide by all regulations established by the City of Saco and its designated operator pursuant to the management agreement. Such regulations may include limitations on the types of waste material which may be disposed of at the transfer station.

ARTICLE IV, Mandatory Recycling Program

§ 181-30. Purpose.

The purposes of this article are to protect the health, safety and general well-being of the residents of the city and provide a solid waste disposal option that does not require the incineration or burial of valuable raw materials. By establishing a mandatory recycling program affecting all residents of the City of Saco, the city will save money currently being spent on the disposal of solid waste, will generate revenues from the sale of recyclable materials and will reduce the impact on the environment from the generation, processing, manufacturing and sale and distribution of goods made from virgin materials.

§ 181-31. Definitions.

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

RECYCLABLE MATERIALS—Those items designated by the City Administrator or his designee as suitable for inclusion in the city's recycling program.

RECYCLING CONTAINER—A container distributed by the City of Saco to Saco residents for the purpose of facilitating the collection of recyclable materials at the curb.

RECYCLING VEHICLE—A vehicle utilized by the City of Saco or its designated agent to collect recyclable materials at the curb from all residential uses on a city-maintained public way.

RESIDENTIAL USES—For the purpose of providing solid waste collection, shall mean and include single-family, duplex and multifamily dwellings (up to and including six units) on public ways.

§ 181-32. Applicability; separation of recyclable materials required.

A. This article shall apply to all uses, both residential and nonresidential, within the city.

B. All recyclable materials shall henceforth be separated from the daily waste stream and, for residential uses, placed at the curb in accordance with the provisions of this article. Nonresidential uses shall also separate recyclables from the waste stream and either deliver those items to the city's recycling center or have them collected as recyclables, not as acceptable waste to be sent to the city's contracted disposal facility. The city may provide curbside collection of recyclables for all residential uses located on a public road. Nonresidential buildings, i.e., businesses, offices, retail, hotels, apartments, mobile home parks, motels and bed-and-breakfast establishments, shall not receive curbside collection services from the city. Buildings that contain both business and residential uses shall be classified by the majority use within the building, based on square footage.

§ 181-33. Property rights.

Any and all recyclable materials placed at the curb become the sole property of the city or its designated agent. No one may salvage, remove or carry off any such material without prior approval of the City Council.

§ 181-34. Collection procedures.

A. The city may provide weekly curbside collection of recyclable materials to all residential uses within the city. Collection of recyclables shall be on the same day as the regular garbage collection.

B. Recyclable materials shall be placed at the curb, separate from the regular garbage and rubbish. All items shall be prepared as directed by the City Administrator or his/her designee. Items not prepared as directed by the City Administrator will be left at the curb.

C. Recyclable materials shall be placed in separate containers for each category of material, e.g., plastics, clear glass, brown glass, green glass, tin cans and newspapers shall all be in separate containers, or as directed by the City Administrator. Containers may be provided by the city to every household to facilitate the separation and collection process. Any containers distributed by the city remain the property of the city.

§ 181-35. Violations and penalties.

A. For the purposes of this article, the placement of recyclable materials in with regular garbage for collection and transport to the city's contracted disposal facility shall constitute a violation. Violators of this article shall first be given written notice of noncompliance. Subsequent violations shall result in noncollection of garbage placed at the curbside, along with written notice. On the third event of written notice, a civil violation shall have been committed for which a forfeiture of not less than $50 shall be

adjudged. Any violation is deemed to be a nuisance, and the City Council may bring an action for equitable relief.

B. For the purposes of this article, the collection and transport of recyclable materials to a facility that does not provide for the separation and reclamation of recyclable materials shall also constitute a violation. Each violation shall constitute a civil violation for which a forfeiture of not less than $100 shall be adjudged. Any violation is deemed to be a nuisance, and the City Council may bring an action for equitable relief. Such violation shall also be considered a violation of § 181-22.

C. Violations of any other provisions of this article shall constitute a civil violation for which a forfeiture of not less than $50 shall be adjudged. Any violation is deemed to be a nuisance, and City Council may bring an action for equitable relief.

§ 181-36. Contracted services.

The city, at its discretion, may enter into contracts for the collection of recyclable materials or other solid wastes with residential uses that do not meet the strict definition of residential uses in this article. Such additional residential uses would include but not be limited to condominium associations. Each contract shall be negotiated individually.

ARTICLE V, Sludge

§ 181-37. Title.

This article may be cited as the “Sludge Utilization Ordinance.”

§ 181-38. Purpose.

This article regulates the land application of stabilized sludge within the city, in conjunction with rules and conditions of approval of the Department of Environmental Protection. It is intended to encourage utilization of recoverable resources under circumstances which protect the health, safety and welfare of the citizens of Saco and which protect the environment.

§ 181-39. Definitions.

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

APPLICANT—The owner of land upon which stabilized sludge is proposed to be spread.

DEPARTMENT—The Department of Environmental Protection.

INCORPORATION—The mixing of sludge with soil in its upper horizon by such means as subsurface injection, rototilling, harrowing or plowing.

PLANT—The City of Saco Wastewater Treatment Plant. [Amended 4-1-1996]

SLUDGE—The various solids and associated liquids encountered and concentrated during wastewater treatment.

STABILIZED SLUDGE—Sludge which may be spread on or applied to land after having undergone a process to reduce pathogens that is acceptable to the Department. Analysis of sludge shall be conducted quarterly.

SUPERINTENDENT—The Supervisor of the Saco Wastewater Treatment Plant. [Added 4-1-1996]

§ 181-40. Certain sludge prohibited; exemptions. [Amended 4-1-1996]

A. Sludge generated at sources other than the City of Saco Wastewater Plant may not be imported into the city for disposal, treatment, processing or utilization of any kind unless such application has been approved by the Superintendent and permitted by the City Council.

B. This article does not regulate the importation or utilization of stabilized sludge which has been composted or stabilized in a manner to further reduce pathogens as

approved by the Department. The use of such stabilized sludge may be permitted by the Superintendent, who is authorized to waive the provisions of this article if satisfied that the stabilized sludge to be used falls within the provisions of this section.

C. Municipalities having reciprocal agreements with the City of Saco may be permitted for land spreading agreements by the City Council, provided that the sludge has been composted or stabilized in a manner to further reduce pathogens that is approved for utilization by the Department. The use of such stabilized sludge must be approved by the Superintendent and permitted by the City Council, provided that the stabilized sludge or pulp and paper-mill sludge to be used falls within the provisions of this section.

§ 181-41. Application process; fee; renewal.

A. Any person, firm or corporation desiring to apply stabilized sludge to his or its land shall first apply for a license from the City Council. A fee of $250 shall accompany the application. [Amended 4-1-1996]

B. The applicant shall indicate on the application the following information:

(1) The proposed method of land application.

(2) The proposed buffer zones.

(3) The present land use and any proposed land use.

(4) The soil type. A copy of the soil test shall be attached to the application and maintained with the city's records.

(5) A permit from the Department approving land spreading. [Added 4-1-1996]

(6) The location of wells on the applicant's property and abutting properties.

C. If the application is subsequently approved, the city shall offer abutting landowners an initial well-testing for heavy metals and other contaminants, as recommended by the Department of Environmental Protection. Anyone not willing to submit to testing shall have no claim honored by the city for alleged contamination.

D. The applicant must have a reciprocal agreement with the City of Saco. [Added 4-1-1996]

E. When an application is received under this article, the City Clerk shall place the application on the agenda for the next City Council meeting. At that meeting, the Council shall schedule a public hearing for the purpose of reviewing the application.

F. Not less than five days before the public hearing, the City Clerk shall cause a notice of the hearing to be published in a newspaper having general circulation in the city. Not less than seven days before the public hearing, the City Clerk shall cause notices of the hearing to be sent to owners of land abutting the land upon which the sludge is to be used. The City Clerk may send the notices by regular mail to the addresses indicated in the records of the Tax Assessor's office.

G. Any person, firm or corporation who wishes to renew a license issued under this article shall file an application for renewal with the City Clerk. Upon receipt of such renewal application, the City Clerk shall follow the procedure outlined in Subsections E and F of this section.

§ 181-42. Buffer zones.

A. The Council may not approve an application which does not demonstrate that the following distances will be maintained from the land proposed for sludge application:

(1) Residence: 300 feet.

(2) Surface waters: 300 feet.

(3) Roadways: 100 feet.

(4) Water supply wells: 300 feet.

(5) High-water mark of intermittent swales and drainage ditches: 25 feet.

B. The distances indicated in Subsection A may be increased depending upon site conditions, provisions to prevent odors, runoff or groundwater contamination and any other factors which the Council considers to require greater distances.

§ 181-43. Limitations on sludge application.

As part of the approval of any application, the Council may impose any or all of the following limitations:

A. A specified limit on the number of times stabilized sludge may be applied to the land.
B. More restrictive buffer zones, as indicated in § 181-42.
C. Initial and subsequent soils analyses to determine the cumulative effect of the sludge application process.
D. Monitoring of wells to determine impact on water supplies.

§ 181-44. Standards for sludge application.

The application of stabilized sludge to land shall conform to good agricultural practices and is subject to any rules established by the Department.

§ 181-45. Use of lime to control odors. [Amended 4-1-1996]

If, during or after the application of stabilized sludge to land, excessive odors are noticeable from any abutting property, the Superintendent may require the immediate application of lime to the land. The Superintendent shall ensure that sufficient lime is immediately applied to eliminate the excessive odors.

§ 181-46. Right of entry.

As a condition of any approval, the applicant shall agree to provide to the Council's designee and to the Department access to the land at all reasonable times.

§ 181-47. Term of license; revocation.

A. Any license issued under this article expires three years after issuance but may be renewed if a renewal application is submitted under § 181-41G prior to the expiration date. [Amended 4-1-1996]
B. Any violation of this article or of any term or condition of a license is grounds for revocation of the license. In case of any such violation, the Council may notify the applicant and establish a hearing date to consider revocation of the license. Such notification to the applicant constitutes an immediate suspension of any authority granted to the applicant by the license or under this article pending hearing.

§ 181-48. Violations and penalties.

Any person, firm or corporation who or which violates any provision of this article is subject to a forfeiture of not less than $500 for each offense, to be recovered in a proceeding brought in the name of the city. Each day of violation constitutes a separate violation.

ARTICLE VI, Disposal on Private Property

§ 181-49. Private dumps.

A. No person, firm or corporation shall use, cause to be used or allow to be used any lot or parcel owned by said person, firm or corporation for the depositing or dumping of any solid domestic or commercial waste, such as rubbish, refuse, debris, trash or garbage, or any wastes classified as special or hazardous by the State of Maine.
B. No person, firm or corporation shall use or cause to be used any lot or parcel owned by another for the depositing or dumping of any solid domestic or commercial waste, such as rubbish, refuse, debris, trash or garbage, or any wastes classified as special or hazardous by the State of Maine.

§ 181-50. Use of public facilities.

A. No person, firm or corporation shall use or cause to be used any litter receptacle, trash can or dumpster owned and maintained by the City of Saco for the depositing or dumping of any domestic or commercial solid waste, such as rubbish, grass clippings or other yard wastes, refuse, debris, trash or garbage, or any wastes classified as special or hazardous by the State of Maine.
B. No person or corporation shall use, cause to be used or allow to be used any public right-of-way for the depositing or dumping of any domestic or commercial solid waste, such as rubbish, refuse, debris, trash, garbage, grass clippings or other yard wastes. Public rights-of-way, including sidewalks, drive aprons and esplanades, shall remain free of commercially distributed advertisements or newsprint of any kind.
§ 181-51. Violations and penalties.

Any violation of the provisions of this article shall be punishable by a fine of not less than $500 nor more than $1,000 for every offense. Every day a violation exists shall constitute a separate offense. In addition to the stated fine, the costs incurred by the City of Saco to clean up and dispose of the waste shall also be collected.

§ 181-52. Rewards.

Any person, firm or corporation providing information leading to the conviction of any person, firm or corporation for depositing or dumping any domestic or commercial solid waste, such as rubbish, refuse, debris, trash or garbage, or any wastes classified as special or hazardous by the State of Maine, shall receive a reward of $250 from the fine paid by the violator of this article.

Chapter 186, STREETS AND SIDEWALKS

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

GENERAL REFERENCES

Dogs and nondomestic animals at large—See Ch. 64, Arts. II and IV, respectively.
Bicycles, skateboards and roller skates—See Ch. 69.
Sewers—See Ch. 176.
Trees—See Ch. 204.
Vehicles and traffic—See Ch. 211.
ARTICLE I, Excavations in Streets and Public Places
§ 186-1. Definitions.
As used in this article, the following terms shall have the meanings indicated:

CITY—The City of Saco and/or its public works.

EXCAVATION—Any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

FACILITY—Pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.

INSPECTOR—A duly authorized representative of the city, including the Director of Public Works, the City Engineer or their representatives.

NEWLY BUILT OR REBUILT STREETS—Any public place which has been newly built or rebuilt within the preceding five years.

PERSON—Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PLACE—Any public street, way, place, alley, sidewalk, park, square, plaza or any other similar public property owned or controlled by the city and dedicated to public use.

UTILITY—A private company, corporation or quasi-municipal corporation under the direction and control of the Public Utilities Commission.

§ 186-2. Start of work; notice; authority to revoke permit.

A. Excavation work must be started no later than 30 days from the date of issuance of the excavation permit. After the expiration of this thirty-day period, the excavation permit shall become null and void and shall have to be renewed.

B. Excavation shall not begin within a twelve-hour period from the time the permit is issued. The applicant shall notify the Director of Public Works when excavation will begin, at least 12 hours beforehand.

C. The Director of Public Works or his/her duly authorized representative shall have the authority to revoke the permit if it is found that any section of this article has been violated. Upon such action, the person or utility shall cease all work and proceed to make trench conditions safe to the public. Work shall not commence until a new permit has been issued and all waiting periods have been adhered to.

§ 186-3. Permit required.

A. No person or utility shall make any excavation or fill any excavation in any public place without first obtaining a permit from the Director of Public Works, except as otherwise provided in this article.

B. Each year, on or about March 31 and updated monthly thereafter, each utility should submit to the Director of Public Works its planned work program for the ensuing year, which will not include emergency work, as defined in § 186-21 hereof, or normal hours service lines. Any excavation permit issued to a utility company by the Director of Public Works which is contained on the list aforementioned shall be issued for the duration depending on the complexity of the work to be performed and supported by a work schedule which must be approved by the Director of Public Works. Any excavation permit issued to a utility company by the Director of Public Works which is not covered on the aforementioned list shall be issued for a period not to exceed 30 days from the time of issuance. All permits issued under this section will terminate on November 1 of each year.

§ 186-4. Application for permit.

A. No excavation permit shall be issued unless a written application, on a form provided by the city for the issuance of an excavation permit, is submitted to the Director of Public Works. The written application shall state the name and address of the applicant and an emergency phone number that will be answered 24 hours a day.

(1) If the applicant is other than a utility and intends to excavate in the vicinity of a facility owned or operated by a public utility or an oil pipeline owned by a person, the applicant shall provide the information required by the city under this section to the utility or person owning such facility, in addition to providing such information to the city.

(2) The application shall provide the name of the public place to be excavated, the street number, the beginning date of proposed work and the type of work to be done. Signatures of utility approval, the signature of the city department (if involved) and a

diagram of the planned excavation, submitted on a sketch 8 ½ inches by 11 inches, marked "Exhibit A," showing trench locations, trench widths, trench depths and the location of all barricades, warning signs, detour signs and detour routes may be required by the Director of Public Works. This sketch shall become part of the permit and shall be strictly followed. Three copies shall be presented with the application.

(3) The permit shall also provide for a preconstruction meeting if so warranted by the Director of Public Works.

B. The application for a permit shall be accompanied by a cash deposit as hereinafter provided. All applications shall be presented to the Director of Public Works for the issuance of an excavation permit, within 30 days from the date of the last utility approval. After the expiration of this thirty-day period, the application shall become null and void and shall have to be renewed.

§ 186-5. Fees.

A fee of $5 shall be paid for each excavation permit or renewal thereof. When required by the provisions of this article, additional charges for resurfacing the excavation for which a permit is requested shall be paid to the city before issuance of the permit. When additional charges for resurfacing are required by the provisions of this article, those charges shall be computed from the table of charges per square yard set forth in this section.

A. Street opening charges and sidewalk opening charges shall be applicable as follows:

Type	Fee Per Square Yard
Street openings:	
Bituminous concrete over concrete base, granite block base or bituminous concrete base (total bituminous concrete 4 inches or more)	$60
Portland cement concrete or granite block	25
Bituminous concrete over macadam base or bituminous concrete (less than 4 inches) over gravel base	50
Bituminous macadam surface	23
Bituminous treated surface or shoulder	20
Plain gravel surface	8
Sidewalk openings:	
Brick sidewalk	100
Bituminous concrete sidewalk	25
Portland cement sidewalk	30

Gravel sidewalk 10

Esplanade 8

B. Other charges shall be applicable as follows:

(1) Bituminous concrete curbing, per linear foot: $4.

(2) Granite curbing removal or realignment, per linear foot: $20.

(3) Removal and replacement of street name and traffic control signs: $25 each.

(4) Replacement and installation of lost or damaged granite curb, per linear foot: $30.

C. Special conditions.

(1) There will be a minimum charge made for any street or sidewalk opening equivalent to two square yards, assessed at the appropriate unit rate above.

(2) There will be a minimum charge made for a street or sidewalk opening equivalent to two square yards for bar holes used for testing gas and water lines, assessed at the unit rate above.

(3) Where three or more street openings are made in sequence, 15 feet or less, center to center, between each adjacent opening, the permittee shall be charged for one opening measured from the first opening to the last opening.

(4) For street openings exceeding 100 square yards, the permittee may request the city's permission to contract privately for the street or sidewalk repairs. If the city agrees, the permittee shall post a bond for the estimated amount of street opening multiplied by the appropriate unit rate above or as approved by the Director of Public Works. Street repair must be done to city specifications, and it is subject to inspection by the Director of Public Works and/or the City Engineer. The city may charge the permittee for engineering and inspection charges incurred during the street excavation and repair work. The city may require a complete overlay at the permittee's expense.

(5) When a permittee is granted permission to permanently repair an excavation, the city may send an on-the-job inspector, and the permittee shall be charged $10 per hour for the services of such inspector.

(6) The city shall perform required resurfacing of any excavation permitted under the terms of this article which permitted excavation is 100 square yards or less in surface area. The cost of such resurfacing shall be paid by the permittee prior to issuance of the permit in accordance with the terms of this section, except that upon written request by a utility and approval by the Director of Public Works, the utility may contract privately to repair the street and/or sidewalk, all work to be done in accordance with Subsection C(4) and (5) above.

§ 186-6. Deposits.

A. Special deposits. The application for an excavation permit to perform excavation work under this article shall be accompanied with a check deposit, made out to the City of Saco, Maine, to be deposited with the Director of Finance in accordance with the rates set forth herein.

B. Purpose. Any special deposit made hereunder shall serve as payment for the permanent repair of the excavation after the excavation work is completed and proper time has elapsed for settlement and the repair of said settlement by the permittee.

C. Refund or billing. Upon the completion of the excavation work and after settlement has stabilized, a measurement shall be made by the city of the size of the opening, and a bill or refund will be mailed to the permittee, depending upon the cost of said opening to be repaired. The cost of the repair of openings will be a factor of the total number of square yards multiplied by the rate set forth herein.

D. Public utility companies. Where excavations are made by public utility companies operating under a franchise issued by the city or under the supervision of the Public

Utility Commission or utilities operated by governmental agencies, a permit may be granted without making such deposits. In such cases, the utilities shall be liable for the cost of the repair of the opening, which is a factor of the total amount of square yards multiplied by the rate set forth herein. However, the city may, in the future, require such deposit from any utility if a bill rendered in accordance with this article remains unpaid 60 days after the date of billing.

§ 186-7. Clearance for vital structures.

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, valve housing structures, traffic signal cables and loops and all other equipment as designated by the city.

§ 186-8. Protective measures and routing of traffic.

A. The permittee shall, in general, maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than 200 feet. If any excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least ½ of the sidewalk width shall be maintained along such sidewalk line.

B. It shall be the duty of every permittee cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian and bicycle traffic shall be subject to final review and approval of the Traffic Engineer or his/her designated representative.

C. Barriers, warning signs, lights, etc., shall conform to the latest edition of the Manual on Uniform Traffic Control Devices. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources.

D. The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

E. When traffic conditions permit, the Traffic Engineer or his/her designated representative, with the approval of the Police and Fire Departments of the city, may, by written approval (or by verbal approval in case of emergency), permit the closing of streets and alleys to all traffic for a period of time prescribed by him/her, if in his/her opinion it is necessary. The written approval of the Traffic Engineer of the city may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In case of emergency on weeknights, weekends or holidays, the utility company having such emergency shall contact the Police and Fire Departments by phone before closing a street to traffic, except in a case of immediate hazard of loss of life or serious property damage, in which event prompt notice of closing shall be given.

F. Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the Traffic Engineer of the city, after his/her review of the proposed traffic control measures for the project.

G. The permittee shall hereby be informed that the Traffic Engineer of the city will require special police protection at locations where the permittee, by his/her work, interferes with school walk routes or crossing locations.

H. The permittee is also informed that construction activities (unless an emergency condition exists) shall not interfere with the normal flow of traffic on arterial streets of the city,EN except to the extent and under conditions approved by the Traffic Engineer and Police and Fire Departments. The full roadway lane width shall be maintained between the hours of 6:45 a.m. and 8:30 a.m. and between the hours of 4:00 p.m. and 9:00 p.m.

I. The permittee may shift traffic to the opposite side of the roadway to maintain the above required lane width. The permittee may only make such shift with the approval of the Traffic Engineer, following proper review of detour plans to ensure adequate, safe two-way traffic flow and proper number and placement of police officers.

§ 186-9. Relocation and protection of existing utilities.

The permittee shall not interfere with any existing facility without the written consent of the city and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the city shall be moved to accommodate the permittee unless the cost of such work shall be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee, unless it makes other arrangements with the person owning the facility.

A. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across the work. The permittee shall secure approval of method of support and protection from the owner of the facility.

B. In case any pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them, and the expense of such repairs shall be charged to the permittee.

C. It is the intent of this section that the permittee shall assume all liability for damage to facilities, and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owner of the facility. The city shall not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

§ 186-10. Abandonment of substructure.

A. Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to serve single properties, the person or utility owning, using or controlling such substructure or having an interest therein shall, within 30 days after such abandonment, file with the city a statement, in writing, giving in detail the location of the substructure so abandoned. If such abandoned structure is in the way or subsequently becomes in the way of an installation of the city or any other public body, the owner of such substructure shall establish if the substructure is abandoned and make the first cut or tap before allowing the substructure to be removed by the excavator.

B. When gas or other flammable service to buildings is discontinued, the existing service line for such service shall be terminated at a point outside the building.

§ 186-11. Protection of public property.

The permittee shall not remove, even temporarily, any trees or shrubs which exist in the street area without first obtaining the consent of the appropriate city department or city official having control of such property.EN

§ 186-12. Excavated material.

A. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets and so that as little inconvenience as possible is caused to those using streets and adjoining property.

B. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the city shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling.

C. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

D. All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic or as specified by the city. Whenever necessary in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the city to prevent the spreading of dirt into traffic lanes.

§ 186-13. Breaking through pavement in streets.

A. All excavations on paved street surfaces shall be precut in a neat straight line with pavement breakers or saws.

B. Heavy-duty pavement breakers may be prohibited by the city when the use endangers existing underground facilities or other property.

C. Cutouts of the trench lines must be normal or parallel to the trench line.

D. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

E. Unstable pavement shall be removed over caveouts and overbreaks, and subgrade shall be treated as the main trench.

F. The permittee shall not be required to pay for repair of pavement damage existing prior to the excavation, unless his/her cut results in small floating sections that may be unstable, in which case the permittee shall remove the unstable portion and the area shall be treated as part of the excavation.

G. When three or more street openings are made in sequence (15 factor less, center to center, between each adjacent opening), the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.

§ 186-14. Breaking through pavement in sidewalks.

A. All parts of § 186-13 shall apply to this section in all cases except gravel sidewalks.

B. On concrete sidewalks, all cuts shall be made from the nearest joint or score line on one side of the excavation to the nearest joint or score line on the other side of the excavation.

C. All bricks in the way of excavation shall be removed by the permittee prior to the work to be done and transported to a storage site to be selected by the city.

§ 186-15. Backfilling.

Upon completion of the utility installation, the trench shall be backfilled to the grade of the underside of the surfacing material.

A. Trench backfilling; paved areas. In paved areas, the backfill material shall be that excavated material which the inspector deems suitable and which the excavator may have

stockpiled or it shall be a granular material from off site. Granular material for trench backfill shall be approved by the inspector and shall meet the requirements of the American Association of Highway Officials (AASHO) Specification M145-49, Classification A-3 or better. No stones over three inches in size, roots or other organic matter or frozen material will be allowed in the backfill material.

(1) The backfill shall be placed and compacted in layers not exceeding nine inches in depth. The moisture content of the fill material shall be such that 95% of optimum density, as determined by field tests, may be obtained. The maximum density shall be determined in accordance with AASHO Specification T180, Method C or D. The inspector shall reserve the right, if in his/her opinion the compaction is not adequate, to perform such tests necessary to confirm that the required compaction has been attained. The cost of such tests shall be borne by the excavator should they not meet the above requirements. If it is found that the above requirements have not been met, the excavator shall recompact and/or reexcavate and compact as necessary until the density requirements have been met. Compaction methods shall be the option of the excavator, provided that required densities can be met without disturbing or damaging existing facilities.

(2) Minimum depths of base and subbase materials in paved areas shall be those required under this article, unless existing conditions exceed these minimums.

B. Trench backfilling; nonpaved areas. For nonpaved areas the trench may be backfilled with excavated material or with granular material described as specified in Subsection A above. The material shall be placed in layers not to exceed two feet and compacted to assure a reasonably firm mass and to minimize subsequent settlement. Specific density requirements will not apply in these areas except that the permittee shall maintain any apparent trench settlement for a period of six months after the excavation has been completed.

§ 186-16. Restoration of surface in streets.

A. By city. Permanent resurfacing of excavations shall be made by the city. The top surface of the backfill shall be covered with three inches compacted depth of bituminous temporary resurfacing material by the permittee. Such temporary paving material shall be cold mix, except that the permittee may use or the city may require hot mix. All temporary paving material shall conform closely enough to the level of the adjoining paving surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain temporary paving for a period not exceeding six months after all backfilling is completed and shall keep the same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving by the city, except that if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian travel or vehicular traffic, then the permittee shall maintain barriers and light where required herein.

B. By permittee. Upon completion of the backfilling and temporary resurfacing of an excavation within a public place for the installation or removal of a substructure, the city, at its option, may allow the permittee to permanently resurface that portion of the street surface damaged by the permittee's excavation, in which event permanent resurfacing shall be done in a manner and under specifications prescribed by the city and shall be completed within a period of 90 days after such authorization to complete final resurfacing. If such permanent resurfacing is satisfactory to the city, all charges for resurfacing, except for city inspection charges as hereinbefore set forth, will be canceled.

C. Refilling of bar holes. Any person or utility making bar holes in the street or sidewalk area of any public way shall, immediately upon completion of the work, fill these bar holes by the method set forth below:

(1) Plugging of bar holes. Bar holes shall be plugged by the use of Plug-R asphalt plugs made by the Package Pavement Company, Stormville, New York, or approved equal.

(2) The size of the asphalt plug to be used shall be as follows:

Size of Plug (inches)	Approximate Drill Size (inches)	Top Diameter Plug (inches)
¾	¾	1
7/8	1	1 ¼
1 1/8	1 ¼	1 ½
1 ¼	1 ½	1 ¾
1 ½	1 ¾	1 ¾
1 ¾	2	2
2	2 ¼	2 ½

D. Unfilled bar holes. Any bar holes left unfilled will be repaired by the city, and the minimum two square yards per hole will be charged to the permittee at the rate set forth herein.

§ 186-17. Restoration of surface in sidewalks.

A. By city. Permanent resurfacing of excavations in the sidewalk area shall be made by the city. If a large amount of square yardage is involved, 100 square yards or over, the permittee may repair the sidewalk area under the direct supervision and specifications of the city.

B. By permittee. Upon completion of the backfilling on brick, cement concrete and bituminous concrete sidewalks, the permittee shall place two inches of temporary paving material (cold mix) on the top surface of the backfill to protect the pedestrian travel on the sidewalk excavated and shall maintain such temporary patch for six months after the backfilling is completed.

§ 186-18. Trenches.

The maximum length of open trench permissible at any time shall be 100 feet, and no greater length shall be opened for pavement removal, excavation, construction, backfilling, patching or other operation without the written permission of the city. No trench exceeding five feet in length shall remain open through night hours or nonworking days without the written permission of the city, which permission may be made conditional upon having the excavation guarded or protected by a watchman, at the permittee's expense, 24 hours a day. Trenches shall be at a width that will allow the backfill materials to be thoroughly compacted. When an excavation is within a paved area, the trench area within the pavement and road or sidewalk base area shall not be less than 24 inches in width.

§ 186-19. Prompt completion of work.

After an excavation is commenced the permittee shall pursue, with diligence and expedition, all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified herein. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel by foot or vehicle. The permittee must renew the excavation permit far enough in advance of the expiration date if the terms of the permit have not been completed before expiration.

§ 186-20. Urgent work.

When traffic conditions, the safety or convenience of the traveling public or the public interests requires that the excavation work be performed as emergency work, the city shall have the full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee beyond normal working hours, including up to 24 hours a day to the end, that such excavation work may be completed as soon as possible.

§ 186-21. Emergencies.

A. Nothing in this article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe or for making repairs, provided that the person making such excavation shall apply to the city for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities or persons owning oil pipelines in the area for on-the-spot locations.

B. Within 15 days after commencing any such emergency excavation, the person performing such emergency excavation shall make a detailed report thereof to the Director of Public Works, who shall review the same to determine whether or not such excavation was of an emergency nature. No further permits under this section shall be issued to the person or utility making such excavation after the expiration of the fifteen-day period until such report has been submitted.

§ 186-22. Noise; dust and debris.

Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of 10:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the city or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep of occupants of the neighboring property.

§ 186-23. Monuments.

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey benchmark within the city shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission, in writing, from the city to do so. Permission to remove or disturb such monuments, reference points or benchmarks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the city is satisfied that no alternate route is available, permission shall be granted only upon the condition, by an agreement in writing, that the person or utility applying for such permission shall pay all expense incident to the proper replacement of this monument by the city.

§ 186-24. Granite curb.

No person or utility shall remove, damage, haul away or cause misalignment of any granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the city. Any curb missing, damaged or misaligned shall be replaced by the contractor.

§ 186-25. Bituminous curb.

Any person or utility damaging bituminous curbing during the course of excavation work or for any other reason shall be charged for the repair or replacement of the bituminous curbing at the rate set forth herein.

§ 186-26. Denial of permit; arterial streets.

A. The Director of Public Works may, at his/her discretion, deny any street opening permit if he/she feels, in his/her judgment, such excavation would endanger the life or property of Saco citizens or if such excavation would endanger the general public or interfere with snow maintenance. The denial may be appealed within 30 days to the Saco City Council, and all denials by the Director of Public Works shall be made in writing to the applicant. Street opening permits for arterial streets will not be granted between December 1 and April 1 of each year, unless it can be shown that denial will create an undue hardship.

B. The arterial streets are Main Street, U.S. Route No. 1, Beach Street, North Street, Industrial Spur and Bradley Street.

§ 186-27. Installation of facilities.

A. No person or utility shall, without written permission of the city, install any facility, except manholes, vaults, valve casings, culverts and catch basins, at a vertical distance less than 24 inches below the established flow line of the nearest gutter in street areas. If the flow line is not established, then the depth shall be at a minimum of 24 inches below the surface of the nearest outermost edge of the traveled portion of the street.

B. Other public places. The minimum depth of any facility on any other public place shall be 18 inches below the surface; provided, however, that the city may permit a lesser depth in special cases.

C. Nothing in this section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface, unless the grade in the facility interferes with the maintenance of or travel on a public street.

§ 186-28. Inspections.

The city shall make such inspections as are reasonably necessary in the enforcement of this article. The city shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article.

§ 186-29. Maps.

Every person or utility owning, using, controlling or having an interest in substructures under the surface of the public way used for the purpose of supplying or conveying gas, electricity, communication, impulse, water, steam, ammonia or oil in the city shall file with the city, after the adoption of this article, a map or set of maps, each drawn to scale commonly used by the utility, showing in detail the plan, location, size and kind of installation of all new and/or renewed substructures except service lines designed to serve single properties. These maps shall be provided to the city no later than 60 days after the completion date of construction.

§ 186-30. Liability of city.

This article shall not be construed as imposing upon the city or any official or employee any liability or responsibility for damages to any person injured by the performance of an excavation work for which an excavation permit is issued hereunder, nor shall the city or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

§ 186-31. Insurance.

The permittee shall maintain during the life of this permit the following insurance, which shall be made a part of the permit application:

A. Bodily injury liability and property damage liability insurance. The contractor shall take out and maintain during the life of this permit such bodily injury liability and property damage liability insurance and automobile bodily injury liability and property damage liability insurance as shall protect him and any subcontractor performing work covered by this permit from claims for damages for personal injury, including accidental death, as well as from claims for property damage which may arise from operations under this permit, whether such operations be by himself or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amounts of such insurance shall not be less than the following:

(1) Bodily injury liability insurance, in an amount not less than $250,000 for injuries, including wrongful death to any one person, and subject to the same limit for each person in an amount not less than $500,000 on account of one accident.

(2) Property damage insurance, in an amount not less than $100,000 for damages on account of any one accident and in an amount not less than $200,000 for damages on account of all accidents.

§ 186-32. Reconstructed or repaved streets.

Whenever the city has developed plans to reconstruct a street, the city or its representative shall give written notice thereof to all abutting property owners, to the city departments and to all public utilities or persons who or which have or may wish to lay pipes, wires or other facilities in or under the highway. Upon receipt of such written notice, such person or utility shall have 60 days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or utility shall make a written application to the city explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been reconstructed, no permit shall be granted to open such street for a period of five years, unless an emergency condition exists or unless the necessity for making such installation could not reasonably have been foreseen at the time such notice was given.

§ 186-33. Violations and penalties.

Any person, firm or corporation who or which violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $25 and not more than $100. Each day such violation continues shall constitute a separate offense.

A. If the work or any part thereof mentioned in the preceding sections of repairing or backfilling the trenches or excavations aforesaid shall be unskillfully or improperly done, the city shall cause the same to be skillfully and properly done and shall keep an account of the expense thereof, and in such case such person or utility shall pay the city an amount equal to the whole of the expense incurred by the city, with an additional amount of 50%. Thereafter, upon completion of the work and the determination of the costs thereof, the city shall issue no further or new permits to any person or utility until it shall receive payments of said costs.

B. Any person or utility who or which continues to violate any section of this article shall receive no further permits until such time as the city is satisfied that the person or utility shall comply with the terms of this article.

ARTICLE II, Street Acceptances

§ 186-34. Streets less than 50 feet wide.

No street or way less than 50 feet wide shall be laid out and accepted by the city as a public street or way unless the same shall have been actually dedicated and constructed and used for public travel prior to December 8, 1978.

§ 186-35. Acceptance or extension of previously constructed streets.

No street or way dedicated or constructed prior to December 9, 1978, shall be accepted nor shall any street previously accepted be extended in length which is of a width less than 35 feet, unless the owners of property adjoining the street shall deed to the City of Saco sufficient land to lay out a street of minimum width, except as hereinafter provided.

§ 186-36. Petition by abutters; assessments.

No street or way in §§ 186-34 and 186-35 above shall be laid out, accepted, extended or improved unless:

A. Petition by abutters. A majority of the abutters upon the street or way shall, in writing, on a form to be prescribed by the Director of Public Works, petition the City Council to improve the street by grading, curbing, gravelling, macadamizing, paving or in any other way making a permanent street of the same or any part thereof and in the petition shall waive any damages resulting from the laying out and acceptance of the street or way or any necessary changes in the grade thereof and shall agree to pay their just proportion of 1/3 of the cost thereof. For purposes of this section, a majority of the abutters shall mean those abutters who own more than 50% of the frontage, both in front feet and in assessed value. The abutter shall be notified by letter.

B. Assessments. When the street or way shall have been laid out and accepted as a public street or way and such improvements have been made, 1/3 of the cost thereof shall be assessed on the property adjacent to and bounded on such street or way in the manner and with the same right of appeal provided in 23 M.R.S.A. §§ 3601 to 3605. The assessment shall be on a front foot basis. The cost of the culs-de-sac or turnarounds necessary for the provision of municipal services shall be borne by the City of Saco. Land necessary for said culs-de-sac or turnarounds will be provided by the abutters.

§ 186-37. Construction standards.

No street or way constructed on private lands by the owners thereof shall be hereafter recommended by any committee or office of the city government to the Councilmen for laying out or acceptance as a public street of the City of Saco unless previously constructed in accordance with the following specifications, which shall constitute the minimum requirements for the laying out and acceptance of such street or way.

A. Plan and profile. The plan and profile of every such street shall be filed in the office of the City Clerk.

B. Construction; grades. Every such street shall be constructed to its full width and length and shall conform accurately to the grades and cross sections determined by the Director of Public Works and shown on the plan and profile hereinbefore mentioned. The entire area of every such street shall be first cleared of all stumps, roots, brush and perishable material and all trees not intended for preservation. All loam and loamy material and clay shall be removed from the limits of the street, inclusive of sidewalks to such depths as may be approved by the Director of Public Works.

C. Design and construction standards. The entire area of the street shall be constructed in all respects according to the Design and Construction Standard for Streets in Section 10.3 of the City of Saco Planning Board Standards for Reviewing Land Subdivisions.

D. Grades. The Director of Public Works shall fix grades of every such street.

§ 186-38. Conveyance of land; filing of plan; bond.

Compliance with the above conditions and specifications will render a street or way constructed on private land by the owners thereof eligible for consideration by the Councilmen for laying out and acceptance as a street or public way for the use of the City of Saco, provided that:

A. The owner conveys to the city, in fee, the land occupied by the street.
B. A plan of the street shall be recorded in the York County Registry of Deeds.
C. Should any of the work remain to be done to complete the project or street in any of its specifications, the owner shall post a good and sufficient bond with the City Treasurer to cover the cost of completion, in an amount to be set by the City Council.

§ 186-39. City not to participate financially.

It is expressly provided that the City of Saco will not participate financially in the improvement of a street where the primary beneficiary is a subdivider.

ARTICLE III, Building and Street Numbering

§ 186-40. Findings.

It is the responsibility of the city to protect the lives and property of the residents of Saco, and it is the desire of the city to operate efficient and effective public safety services. These efficient and effective public safety operations are inhibited by the current inconsistent residential building and street numbering process.

§ 186-41. Designation of numbers; Street Numbering Map.

All buildings shall bear a distinctive street number in accordance with and as designated upon the Street Numbering Map, on file with the City of Saco Assessors Department. The Assessor or his/her designee shall be responsible to maintain and keep current said map.

§ 186-42. Display of numbers.

The number shall be displayed upon the front of the building and/or on the side facing the street. The number shall be plainly visible from the street. Houses that are set back out of view from the road shall place a post or sign at the driveway entrance, upon which shall be affixed the herein specified numbers. For city fire lanes, a numbered sign shall be affixed vertically to the existing fire lane post and shall conform to the following dimensions:

A. For two-digit numbers, the sign shall be five inches wide by five inches long.
B. For three-digit numbers, the sign shall be eight inches wide by five inches long.
C. For multiple numbers, two- or three-digit numbers are to be in order and sequential, allowing five inches for each number. The post/sign shall not be considered a structure which must conform to Zoning Ordinance setbacks. The post/sign shall be placed out of the city's right-of-way and shall be six feet in height.

§ 186-43. Multifamily units.

For multifamily houses or apartment buildings, the house number shall be displayed as outlined in § 186-42. Each individual apartment or living unit shall be clearly sublettered.

§ 186-44. Number size and color.

Numbers shall be in Arabic figures, be no less than three inches in height and a one-half-inch-wide stroke and shall contrast in color with the color of the building or background to which they are attached.

§ 186-45. Illegal display of numbers.

No person shall affix or allow to be affixed a different street number from the one designated on the Street Numbering Map by the Assessor.

§ 186-46. Private ways.

If there are three or more developed parcels that abut a private lane or way, the owners of those lots may petition the city to name the private way. The Assessor will then issue street numbers for that road. It will be the sole responsibility of the owners to maintain a street sign at the entrance to the private way in accordance with the current public works standards for other public and private road signs. The name of the private way cannot conflict with or sound similar to existing road names.

§ 186-47. Violations and penalties.

Any person who, after being notified by the Code Enforcement Officer or any officer from the City of Saco, fails to comply with any of the provisions of this article within the time limit of not less than 30 days specified in such notice shall pay a fine of not less than $50 nor more than $100 per violation.

ARTICLE IV, Obstructions

§ 186-48. Obstruction of public ways prohibited.

No person shall place or deposit or cause to be placed or deposited any ice, snow, objects, material or any other obstruction on any road, highway, street, lane or sidewalk in the City of Saco in such a manner as to obstruct or create a hazard to vehicles traveling on such road, highway, street or lane or to obstruct or create a hazard to pedestrians using sidewalks.

§ 186-49. Violations and penalties.

Any person who violates the provisions of this article shall be punished by a fine of not less than $10 and not more than $100, to be recovered to the use of the city by complaint in the District Court.

ARTICLE V, Entrances to Highways in Compact Section

§ 186-50. Permits.

Permits for driveways, entrances and approaches to compact or built-up sections shall be granted as follows:

A. A permit shall be issued to a property owner for a driveway, entrance or approach not to exceed 33 feet for each 175 feet or less of frontage in the compact or built-up section.

B. A permit shall be issued for an additional driveway, entrance or approach, not to exceed 33 feet in width, to a property owner who has frontage of more than 175 feet on the compact or built-up section, provided that the driveways, entrances or approaches are separated by an island that shall not be less than 75 feet in width.

C. A permit shall be issued for an additional driveway, entrance or approach, not to exceed 20 feet in width, to a property owner who has frontage of more than 175 feet on the compact or built-up section, provided that the driveways, entrances or approaches are separated by an island that shall not be less than 35 feet in width.

D. For the purposes of this section, the words “compact or built-up section” are defined as stated in 23 M.R.S.A. § 2.

E. Notwithstanding Subsections A, B and C above, a permit for a second driveway entrance may be granted to the owner(s) of a two-family dwelling if the lot and dwelling meet all of the following conditions:

(1) The lot has at least 75 feet of frontage.

(2) The lot is located on a street classified as a local street in the 1990 Infrastructure Inventory and Management Program or, in the case of a new street, is classified as local by the Director of Public Works, using the same standards as the 1990 report.

(3) The building entrances, in the judgment of the Director of Public Works, are substantially at the opposite ends of the building as it parallels the street frontage where the driveways will be located.

(4) The width of each driveway entrance does not exceed 16 feet.
(5) An island width of 20 feet is maintained between the two driveway entrances.

ARTICLE VI, Closing of Ways

§ 186-51. Findings; purpose; statutory authority.

A. Temporary closings are necessary at different times of the year and are not limited to springtime or mud season.

B. The following rules and regulations are necessary to ensure the proper use and to prevent abuse of all highways under our maintenance or supervision by motor-driven vehicles for the protection of public safety, health and property, to extend and retain the life expectancy of city ways and bridges and to reduce the public expense of their maintenance and/or repair.

C. This article is adopted pursuant to 30-A M.R.S.A. § 3009 and 29 M.R.S.A. §§ 902 and 1611.EN

§ 186-52. Definitions.

The definitions contained in Title 29 of the Maine Revised Statutes Annotated shall govern the construction of words contained in this article. Any words not defined therein shall be given their common and ordinary meaning.

§ 186-53. Restrictions and notices.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted, unless otherwise exempt as provided herein.

A. The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted and the signature of the posting official.

B. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travel way. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

C. No person may remove, obscure or otherwise tamper with any notice so posted, except as provided herein.

§ 186-54. Designation of ways and bridges.

The Director of Public Works is hereby directed and authorized to designate such city ways and bridges or portions thereof, over which, during such periods of time as he/she may determine are necessary for the protection of such ways and bridges in implementing the within rules for the purpose herein stated.

§ 186-55. Signs.

The Director of Public Works is further directed and authorized to cause the construction and painting of conspicuous signs for the posting of the closed portions of ways and bridges with the information as provided herein.

§ 186-56. Exemptions.

The following vehicles are exempt from this article:

A. Any two-axle vehicle while delivering home heating fuel.

B. Any emergency vehicle (such as fire-fighting apparatus or ambulances) while responding to an emergency or routine training or maintenance activities.

C. Any vehicle while engaged in highway maintenance or repair under the direction of the city or state.

D. Any school transportation vehicle while transporting students.

E. Any public utility vehicle while providing emergency service or repairs.

F. Any vehicle whose owner or operator holds a valid permit from the Director of Public Works or his/her designee as provided herein.

§ 186-57. Permits.

A. The owner or operator of any vehicle not otherwise exempt as provided herein may apply, in writing, to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The Director of Public Works or his/her designee may issue a permit only upon all of the following findings:

(1) No other route is reasonably available to the applicant.

(2) It is a matter of economic necessity and not mere convenience that the applicant uses the way or bridge.

(3) The applicant has tendered cash, a bond or other suitable security running to the city in an amount sufficient, in the official's judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of the same.

B. Even if the Director of Public Works or designee makes the foregoing findings, he/she need not issue a permit if he/she determines the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. The Director of Public Works may also limit the number of permits issued or outstanding as may, in his/her judgment, be necessary to preserve and protect the highways.

C. In determining whether to issue a permit, the municipal officers shall consider the following factors:

(1) The gross registered weight of the vehicle.

(2) The current and anticipated condition of the way or bridge.

(3) The number and frequency of vehicle trips proposed.

(4) The cost and availability of materials and equipment for repairs.

(5) The extent of use by other exempt vehicles.

(6) Such other circumstances as may, in their judgment, be relevant.

D. The municipal officials may issue permits subject to reasonable conditions, including, but not limited to, restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

§ 186-58. Administration and enforcement.

This article shall be administered and may be enforced by the municipal officers or their duly authorized designee.

§ 186-59. Violations and penalties.

A. Any violation of the provisions of this article shall be considered a civil infraction and subject to a minimum mandatory fine of $250 up to a maximum of $1,000. In addition to any fine, the city may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. All penalties shall accrue to the municipality.

B. Prosecution shall be in the name of the city and shall be brought in the Maine District Court.

§ 186-60. When effective; amendments.

A. This article shall become effective 30 days from the date of adoption. The City Clerk is authorized and directed to have this article and adoption published as provided by the City Charter.

B. This article may be amended by the municipal officers at any properly noticed meeting.