

Memorandum FROM

LERROY E. LINNELL

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REVISED ORDINANCES

Jan. 15, 1951

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Enacted by City Council January 15, 1951

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CITY OF AUBURN, MAINE

* IN THE YEAR OF OUR LORD -ONE THOUSAND *
NINE HUNDRED AND FIFTY-ONE

COMPLETE REVISED ORDINANCES OF THE CITY OF AUBURN AS ENACTED BY
THE CITY COUNCIL ----JANUARY 15th, 1951

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUBURN AS FOLLOWS:

CHAPTER ONE

THE MAYOR AND THE CITY COUNCIL

Article 1

The City Seal

Section 101.

The design hereto annexed shall be the device of the CITY
Seal, and the inscription thereon shall be as follows, to wit:

"CITY OF AUBURN"
"1869"
"VESTIGIA NULLA RETRORSUM"

Article 2

General

Section 201. Administrative Manual.

The Manager is hereby authorized to issue such administrative regulations, consistent with the City Charter and City Ordinances, as he deems necessary to provide for the adequate functioning of all departments. All regulations so issued shall comprise the Administrative Manual, which shall be distributed to all members of the City Council, the Mayor, all department heads and administrative officers, and to such others as the Manager may determine to be necessary or desirable, and shall be available in the office of the City Clerk for public inspection.

Section 202. Automobiles, City Owned.

Every city-owned automobile shall have painted thereon the words "City of Auburn". No such automobile shall be used by any officer or employee for any private purpose.

Section 203. Bonds

Every city officer and employee who collects, has custody of or disburses any public moneys, must prior thereto, at the expense of the City, furnish to the City and maintain in full force and effect a corporate surety bond in such amount as the City Council may determine. Such bond must be approved by the City Solicitor as to form and legal and financial sufficiency and thereafter delivered to the City Clerk for acceptance, filing and safekeeping. Until and unless bonded as required herein, no officer or employee of the City shall handle any public moneys at any time, except employees of bonded officers doing so under their specific direction and responsibility.

Section 204. Compensation.

The City Council by order shall fix the salaries of the Mayor and of officials elected or appointed by the City Council, including the salary of the City Manager. Salaries of the appointees of the City Manager shall be fixed by the City Manager and subject to the approval of the City Council.

Section 205. Fire Investigation.

The City Council hereby assumes the power conferred and the responsibility for performance of duties prescribed, by Sections 24, 25, and 27 of Chapter 85 of the Revised Statutes of Maine (1944) and any amendments thereto, and hereby delegates the exercise of such powers and the responsibility for performance of such duties to the Fire Chief as authorized by Section 21 of Chapter 85 of the Revised Statutes of Maine (1944), except in such specific cases as the City Council may seasonably notify the Fire Chief of its intention to take jurisdiction.

Section 206. Funds

Every City official shall keep an accurate account of all moneys which may by virtue of his office come into his hands from whatever source, stating from whom received, and on what account the same was paid; he shall pay such moneys to the Treasurer at such periods as the Treasurer may require, unless otherwise provided.

Section 207. Headings.

No provision of any ordinance shall be held invalid by reason of deficiency in any chapter, article or section heading, it being hereby expressly provided that such headings are not a part of any ordinance.

Section 208. Notices.

Notice regarding dangerous structures, abating nuisances, removing signs or signposts, or any other act, the expense of which, if performed by the City, may be collected from the property owner in an action at law, shall be served:

208.1 By delivering the notice to the owner personally or by leaving the same at his residence, office, or place of business with some person of suitable age and discretion, or

208.2 By mailing the notice by registered mail to such owner at his last known address, or

208.3 If the owner is unknown, by posting the notice in some conspicuous place on the premises five (5) days prior to the date set therein for compliance.

No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City officer unless permission is given to remove said notice.

Section 209. Penalties.

Every person who shall be guilty of a violation of any provision of any ordinance to which a particular penalty is not annexed, shall forfeit and pay a sum of not less than ten dollars nor more than fifty dollars to be recovered to the use of the City on complaint or by other appropriate action before the Auburn Municipal Court.

Section 210. Penalty -- Further Violation.

The imposition of a penalty for violation of any ordinance shall not excuse the violation, or permit it to continue; such violation shall be remedied within a reasonable time, and each ten days that violation is permitted to exist shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. The imposition of penalties for violation of any ordinance shall not preclude the City Solicitor from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, removal, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

Section 211. Property.

Each official who has public property responsibility shall forthwith make up a list of all such property and deposit said list over his signature with the City Clerk. Each such official shall, at the time of making his annual report, include therein a complete list of property for which he is responsible. When any official terminates his duties, he shall check his property list with his successor in office, or with the City Manager if the latter so elects, and obtains a release from property liability prior to receiving his final salary payment due. Each official shall promptly reimburse the City for the fair and reasonable value of any property for which he is responsible and for which he is unable to account, if such loss is due to his carelessness or negligence. The City Council hereby established the general policy that no city property, supplies or equipment of any kind shall be loaned or rented to any person or used for private purposes. The City Manager is authorized to make exception hereto when in his opinion the circumstances especially so warrant, in which cases he shall specify the terms.

Section 212. Publicity of Records.

All records and accounts of every office, department and agency of the City shall be open to inspection by any citizen at all reasonable times except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, and except such records as are required by State law to be kept confidential.

Section 214. Record Preservation.

Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing the same. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the Manager and Council.

Section 214. Repeal Effect.

The repeal of any prior ordinance of the City by any subsequent ordinance shall not operate to revive the provisions of any ordinance which may have been repealed by such prior ordinance, unless such revival shall be expressly provided for. Ordinances repealed remain in force for the trial and punishment of past violations of them, and for the recovery of penalties and forfeitures already incurred. and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract or event, already affected by them.

Section 215. Reports.

All Department, Agency and Office heads shall make an annual report, and such other reports, as may be required by the City Council or the City Manager.

Section 216. Responsibility.

The prohibition of any act by any ordinance of the City or in any amendment thereof, shall include the causing, securing, aiding or abetting of another person to do said act.

Section 217. Rules of Construction.

The following rules shall be observed in the construction of Ordinances, unless such construction is inconsistent with the plain meaning of the ordinance.

217.1 Words and phrases shall be construed according to the common meaning of the language. Technical words and phrases and such as have a peculiar meaning convey such technical or peculiar meaning. The words "and" and "or" are convertible as the sense of any ordinance may require.

217.2 Words of the singular number may include the plural; and the words of the plural number may include the singular. Words of the masculine gender may include the feminine.

217.3. Words giving authority to three or more persons authorize a majority to act, when the Ordinance does not otherwise determine.

217.4. The words "street" or "streets" shall be understood as including highways, ways, avenues, courts, lanes, alleys, parks, squares, places, sidewalks, crosswalks and bridges, unless any such construction would be inconsistent with the manifest intent of the Ordinance.

217.5 The word "inhabitant" means a person having an established residence in the city.

217.6 The word "oath" includes an affirmation, when affirmation is allowed. Affirmation is allowed when a person required to be sworn is conscientiously scrupulous of taking an oath.

217.7 The word "person" as used in any Ordinance, and in any amendment thereof hereafter enacted, shall include: any individual, firm, co-partnership, corporation, company, association, club, joint adventure, estate, trust, or any group or combination acting as a unit and the individuals constituting such group or unit, unless the intention to give a more limited meaning is disclosed by the context.

217.8 By the words "preceding" or "following", used with reference to a section, is meant the section next preceding or following that in which it is used, when not otherwise expressed.

217.9 The term "municipal officers" means the members of the City Council.

217.10 The word "city" shall be construed as if the words "of Auburn" followed it.

217.11 The term "city limits" shall be construed as the territory of the city contiguous to any way which is built up with structures devoted to business or where the dwelling houses are situated less than 150 feet apart for a distance of at least one-fourth of a mile.

Section 218. Separability.

If any portion of any ordinance shall be held to be invalid, the intent of the City Council is that such decision does not affect the validity of the remaining portions thereof.

Section 219. Street Names.

The City Council alone shall have the power and authority to name all streets. The several streets of the City shall continue to be called and known by the names previously given to them until the same shall be changed by the City Council.

Section 220. Suits.

Every City officer having knowledge of any fact concerning any claim or suit for or against the City shall report such fact forthwith to the City Solicitor. It shall be the duty of every employee of the city to report at once to his superior fact which may come to his notice concerning any accident for which the City

may be liable. No member of the City Council shall act as attorney, agent or representative of any person or corporation in making, prosecuting before the City Council or any city department, office or agency, any claim or demand against the City.

Articles 3

Rules of Procedure

Section 301. Absence.

Every member shall attend all meetings of the council unless prevented by illness, absence from the City, or unless excused by a vote of the council.

Section 302. Actions.

The Council shall act only by Ordinance, Order or Resolve. All ordinances, orders and resolves, except those pertaining to appropriations, shall be confined to one subject which is clearly stated in the title. When the City Council expresses anything by way of command, the form of expression shall be "Ordered"; when it expresses opinions, principles, facts or propositions, the form shall be "Resolved" with the exception of the Appropriation Resolve.

Section 303. City Clerk.

The City Clerk shall give notice of City Council meetings, shall attend all meetings of the Council and keep the journal of its proceedings, shall authenticate by his signature and record in full all ordinances and resolutions, and shall perform such other duties as shall be required by law or as ordered by the Council. In case of the temporary absence of the City Clerk, the City Council may appoint a clerk pro tempore, with all the powers, duties and obligations of the City Clerk.

Section 304. Mayor, Absence of.

In the temporary absence or disability of the Mayor, any member of the City Council may call the Council to order at any duty called meeting to elect a chairman pro tempore from among its number and he shall exercise all the powers of the Mayor during such temporary absence or disability of the Mayor.

Section 305. Mayor, Conduction of the Meeting by.

The Mayor shall:

305.1 Take the chair at the time appointed for meeting, call the members to order and if a quorum is present, proceed to business.

305.2 Preserve order, and decide all questions of order subject to any appeal to the council on motion regularly seconded.

305.3 Declare all voted: but if a vote is doubted, he shall make a return of the members, voting for and against the question, without debate, and declare the result.

305.4 Propound all questions in the order in which they were moved, unless the subsequent motion shall have precedence in its nature, except that in naming sums, or fixing times, the largest sums and longest time shall be put first.

305.5 Name the member entitled to speak when more than one member addresses the chair at the same time.

305.6 Consider a motion to adjourn as always in order except on immediate repetition.

305.7 Present all petitions and other papers addressed to the Council, or cause them to be presented, and they shall lie on the table, and be taken up in the order in which they were presented, unless the Council shall otherwise direct.

Section 306. Meetings; Agenda.

The agenda for each meeting of the City Council shall be prepared by the City Clerk. Such agenda shall be distributed by the City Clerk to the City Manager, the Mayor and each member of the Council at least 24 hours prior to the meeting.

Section 307. Meetings, First.

The first meeting of each City Council shall be held at 10 o'clock A.M. on the 1st Monday in October following the the regular city elections at the usual place for holding meetings.

Section 308. Meetings; Regular.

The dates and time of the regular meetings of the City Council shall be the first and third Mondays of each calendar month at 7:30 P.M. If a regular meeting night falls on a legal holiday or the night before a legal holiday, then the stated meeting shall be held on the following Wednesday at the same time and place unless the City Council shall at the meeting held next prior to said meeting falling on said holiday or the night before said holiday fix a different alternate meeting date. The place of such meetings shall be the City Council Chamber in the City Hall in Auburn, hereby designated to be the regular meeting place. All meetings of the City Council shall be open to the public, and may be continued to another location.

Section 309 Meetings: Special

As required by the Charter special meetings maybe called by the Mayor, or shall be called by the Mayor or City Manager on the written request of a majority of the voting members of the Council addressed to the Mayor or the City Manager. Notice of such meeting shall be served in person upon, or left at the usual dwelling place of, each member of the Council including the Mayor and the City Manager.

Section 310. Meetings: Quorum.

Three members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members.

At least 24 hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Section 311. Motions: Appeal.

No appeal from any decision of the presiding officer shall be entertained unless it is seconded, and no other business shall be in order until the question on appeal has been decided. The question on the appeal is not debatable and shall be put as follows: "Shall the decision of the chair stand as the judgment of the Council?", and it shall be deemed to be decided in the affirmative unless a majority of the votes given are to the contrary.

Section 312. Motions: No Debate.

The following motions shall be decided with our debate:

- 312.1. Adjourn
- 312.2. Suspend the rules
- 312.3. Lay on the table
- 312.4. Take from the table
- 312.5. Previous question

Section 313. Motions: Order of,

When a question is under debate, the Mayor shall receive no motion, except the following, which shall have precedence in the order named:

- 313.1 To adjourn
- 313.2 To recess
- 313.3 To lay on the table
- 313.4 To limit or extend limits of debate
- 313.5 To postpone to a certain time
- 313.6 To refer
- 313.7 To commit
- 313.8 To amend
- 313.9 To postpone indefinitely

Section 314. Motions: Parliamentary Inquiry.

Any member may make a parliamentary inquiry of the Mayor any time during the meeting.

Section 315. Motions: Reconsideration.

When a motion has been once made and carried in the affirmative or negative, any member who has voted with prevailing side may move reconsideration at any time, provided the subject matter has not passed out of the control of the Council.

Section 316. Motions: Reduced to Writing.

Any motion must be reduced to writing if any member of the council requests it, and no other motion shall be entertained until reasonable time (not over 10 minutes) is afforded for compliance with this rule.

Section 317. Motions: Second.

No motion shall be considered by the Council unless it has been seconded.

Section 318. Motions; Withdrawal.

After a motion has been made and seconded it shall be deemed to be in the possession of the Council and can be withdrawn by the mover only with the consent of the Council.

Section 319. Order of Business.

At every regular meeting of the City Council the order of business shall be as follows:

- 319.1 Reading by the City Clerk of the records, not previously read and approved, of all preceding meetings, and action thereon.
- 319.2 Reports of the City Manager,
- 319.3 Report of Committees.
- 319.4 Petitions and Communications.
- 319.5 Matters requiring action under Statutes and Ordinances.
- 319.6 Action on Ordinances, Orders and Resolves.
- 319.7 Unfinished business.
- 319.8 New business.
- 319.9 Adjournment.

Section 320. Ordinances; Enacting Clause.

The enacting clause shall be "Be it Ordained by the City Council of the City of Auburn as follows".

Section 321. Ordinances; Engrossed, Recorded.

All Ordinances, Orders or Resolves after their passage shall be engrossed by the City Clerk, or by his direction, in a fair and legible hand, or typewritten, without interlineation or erasure; after which they shall be passed as provided by the City Charter; the City Clerk causing them to be recorded in a book kept for that purpose, with proper margins and index, and to be lettered "Record of Ordinances of the City of Auburn", which book shall be preserved in the offices of the City Clerk and subject to the inspection of citizens.

Section 322. Ordinances: Passage.

No ordinance, no order for the issue of serial bonds or notes, and no appropriation resolve shall be passed until it has been read on 2 separate days has been dispensed with by a 4/5 yeas or nays vote of the members of the City Council. All ordinances which have had two several readings shall be examined and certified by the Clerk. They shall then be in order for final passage. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the City Council by the City Clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the City Council. Every ordinance shall require for final passage the affirmative vote of a majority of the members of the City Council.

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Section 323. Reference.

In all cases where the parliamentary proceedings are not herein determined, "Roberts Rules of Order" shall be taken as authority to decide the course of proceedings.

Section 324. Rules; Suspension of.

The City Council rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose by a vote of the City Council.

Section 325. Rules; Violation of.

If any member, in speaking or otherwise, transgresses the rules of the City Council, the presiding officer shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down unless permitted by the Mayor to explain; and the City Council shall decide the question without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Council to proceed in order.

Section 326. Speaking; Germaneness.

Every member while speaking shall confine himself to the subject under debate, shall refrain from personalities, and shall not refer to any other member of the Council except in a respectful manner.

Section. 327. Speaking; Recognition.

A member about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the presiding officer.

Article 4

Overseers of the Poor

Section 401. Organization.

The City Council shall be the Overseers of the Poor of the City of Auburn as provided in the Charter.

Section 402. Clerk.

The Overseers of the Poor shall appoint a Clerk to serve at their pleasure.

402.1. Duties of the Overseers of the Poor are delegated to the Clerk as authorized by section 14 of chapter 82 of the Revised Statutes of Maine (1944).

402.2 The Clerk is authorized and directed to sign and send the written notices and the written answers referred to in section twenty-nine and thirty of Chapter 82 of the Revised Statutes of Maine (1944).

Section 403. Superintendent of the City Farm.

403.1 The Clerk with the approval of the Overseers of the Poor shall appoint some suitable person to be Superintendent of the City Farm (to serve at the pleasure of the appointing powers).

403.2 The Superintendent shall have immediate supervision of the City Farm; he shall be subject to the control of the Clerk of the Overseers of the Poor.

403.3. Such assistants and other help as may be necessary to care for and manage said farm shall be employed by the Clerk on the recommendation of the Superintendent.

403.4. The Superintendent shall supervise the collection of garbage that is done by the City.

CHAPTER 2

ELECTIONS

Section 101. General

The provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers and all other particulars in respect to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in Article V of the City Charter.

Section 102. Place and Time of opening of Election.

It shall be the duty of the City Council to fix the place and time of the opening of the polls in the election of officers, or in any special election to decide matters submitted to a vote of the citizens, and cause same to be inserted in any warrant and notification to the inhabitants of such election.

Section 103. Appointment; Board of Registration.

The Board of Registration shall be appointed as provided by Section 11 of Chapter 3 of Revised Statutes of Maine (1944) and amendments thereto, or as it shall be hereafter amended.

Section 104. Appointment; Election and Ballot Clerks

Election and Ballot Clerks shall be appointed by the Municipal officers as provided by Section 14 of Chapter 5 of Revised Statutes of Maine (1944) and amendments thereto, or as it shall be hereafter amended.

Section 105. Compensation; Election Officers.

There shall be paid to each Warden, Ward Clerk, and Election Officer such sum as the City Council determines for each day's

official service performed by him at any election held in his Ward.

Section 106. Duties; Ward Clerks.

It shall be the duty of the several Ward Clerks to keep full and accurate records of all elections held in their respective wards in books furnished them for that purpose, and they shall, within twenty-four hours after any election, deposit such records and all papers connected therewith with the City Clerk for safe keeping.

CHAPTER 3

CIVIL SERVICE

Section 101. Establishment.

As provided by Section 3 of Article VI of the City Charter of Auburn as amended in 1943 the Civil Service Commission shall consist of three (3) members, who shall hold no other elective or appointive office under the City Charter, who shall be appointed by the Mayor, to serve for a term of three (3) years. The Civil Service Commission shall have such powers and duties as given it by the said City Charter and ordinances of the City of Auburn.

Section 101.1 All members of the Police Department. Fire Department, including the heads of the said departments, and the City Electrician shall be subject to Civil Service rules.

Section 102. Sick Leave.

In case of sickness or other disability a member of the Police and Fire Departments shall be allowed a maximum of two weeks leave with full pay upon presentation to the Chief of the Department, to which the member belongs, of certificate from the City Physician or some other reputable physician as to such sickness or disability; provided, however, that if such sickness or disability is covered by the Workmen's Compensation Act, the City shall pay only the difference between the amount received under the Act as compensation for such sickness or disability and the said two weeks full pay. In case of sickness or disability for a period longer than two weeks, such member shall be allowed half pay for such further period not to exceed six months from the date of such sickness or injury. If such sickness or disability covered by the Workmen's Compensation Act continues beyond such six month's period, the City Council may, upon recommendation of the Chief of the Department and the City Manager continue such sickness or disability pay for a further period of six months not to exceed one year from date of such sickness or injury. Such pay for such further period shall only be given after certification by three reputable physicians, one to be appointed by the City Manager one by the member and the third to be chosen by the two physicians aforesaid, that such disability exists.

CHAPTER 4

THE CITY MANAGER

Section 101. General.

The City Manager shall be the administrative head of the City government and shall be responsible to the City Council for the administration of all departments.

Section 102. Powers.

He shall exercise administrative control over all administrative officers, agencies, and departments of the City which shall consist of the following:

- 102.1. Assessor of Taxes.
- 102.2. Auditor.
- 102.3. Building Inspector.
- 102.4. Collector of Taxes.
- 102.5. Electrical Department--City Electrician.
- 102.6. Engineering Department--City Engineer.
- 102.7. Fire Department--Fire Chief.
- 102.8. Health Department--Health Officer.
- 102.9. Highway Department--Superintendent of Streets.
- 102.10. Legal Department--City Solicitor.
- 102.11. Police Department--Chief of Police (City Marshal).
- 102.12. Purchasing Department--Purchasing Agent.
- 102.13. Records Department--City Clerk.
- 102.14. Recreation and Park Departments--Supt. of Recreation & Parks
- 102.15. Treasurer.

Section 103. Duties.

The City Manager shall perform or cause to be performed all duties that by law may be required of him, including, but not limited to the following:

- 103.1. To furnish technical advice to the City Council.
- 103.2. To keep the City Council informed on municipal affairs.
- 103.3. To enforce all laws and ordinances of the City.
- 103.4. To prepare and publish an annual report of the activities of the various departments including receipts and expenditures.
- 103.5. To request special City Council meeting when he believes said meetings are necessary.
- 103.6. To establish such rules, as he is permitted to by City Charter and ordinance, that may be necessary for the proper operation of the administrative service of the City government.
- 103.7. To make annually a report to the Council of the operation and cost of the City government during the past fiscal year and to present a proposed budget for the next fiscal year to the Council.
- 103.8. To appoint or fire, remove or discharge, all officers and employers of the City not otherwise provided for by charter.

Section 104. Departments.

Whenever used in any ordinance, the word "department" shall be construed to mean department, agency or administrative officer of the City, unless the context plainly requires otherwise.

CHAPTER 5

ASSESSORS OF TAXES

Section 101. Organization.

The assessors shall be appointed by the City Council as provided by the City Charter. They shall organize by the choice of one of their number to act as chairman, and another as secretary.

Section 102. Assistant Assessors.

They may annually, if they deem it advisable, and subject to the approval of the City Council, appoint one person in each ward to serve as assistant assessor, who shall be sworn to the faithful performance of their duties. It shall be the duty of said assistant Assessors to furnish the Assessors with all necessary information relative to persons and taxable property in their respective wards, and perform such other duties as may be required of them by law or the assessors of taxes.

Section 103. Duties.

103.1. They shall complete their assessments and place the lists of taxes and the warrant for collecting the same in the hands of the collector of taxes on or before the first day of August annually; but the City Council may extend the time, when in their judgment it is necessary, except that a return of the lists of poll tax payers shall be made to the collector prior to the first day of May, annually.

103.2. They shall annually, on or before the first day of August make a true return to the auditor of the amount of taxes named in the annual warrant and lists placed in the hands of the collector of taxes, and shall, upon the first day of each month thereafter, make a return to the auditor of the amount of all other assessments made by them.

103.3. They shall perform any other duties required of them by laws.

CHAPTER 6

AUDITOR

Section 101. General.

The auditor shall be appointed by the City Council as provided in the charter.

Section 102. Duties.

The auditor shall perform all duties prescribed by law which shall include but shall not be limited to the following:

- 102.1. To receive all accounts and claims against the City and investigate the same as to their form and correctness.
- 102.2. To keep records of all financial transactions of the City according to good accounting practice.
- 102.3. To keep such records as he may be required to by the City Manager or the City Council.
- 102.4. To give notice, immediately, to the City Manager and Council when an appropriation is expended.
- 102.5. To furnish to the City Manager as he may direct, as soon as possible after the first of each month, a statement of all expenditures, receipts and accounts of the City.
- 102.6. To sign all checks drawn on the treasurer and record the same to the proper accounts.
- 102.7. To deliver all books, records and papers under his care to his successor and, while having them in his care, to keep them in a safe depository.

CHAPTER 7

BUILDING INSPECTOR

Section 101. General

The Building Inspector shall be appointed by the City Manager as provided by the City Charter.

Section 102. Duties.

He shall perform all duties required of him by law which shall include but not be limited to the following:

- 102.1. To inspect buildings and issue building permits as required by the Building Code, Chapter 20 of these Revised Ordinances.
- 102.2. To enforce the Zoning Code, Chapter 29 of these Revised Ordinances.
- 102.3. To perform any other duties required of him by the City Manager.

CHAPTER 8

COLLECTOR OF TAXES

Section 101. General.

He shall be appointed by the City Council as provided by the City Charter.

Section 102. Duties.

He shall faithfully perform all duties required of him by law including but not limited to the following:

102.1. To keep such records as may be required of him by the City Council and the City Manager including a cash book showing receipts and expenditures.

102.2. To keep all necessary records of money passing through his department according to good accounting practice.

102.3. To furnish the auditor a statement, on or before the fifth day of each month, of all collections and receipts during the preceding month.

102.4. To issue bills to the persons assessed a tax immediately upon receiving the warrants from the Assessors of Taxes.

102.5. To charge interest on all taxes which shall remain unpaid three months after the date of commitment, at the rate of six per per annum, to commence one month after the date of commitment.

CHAPTER 9

ELECTRICAL DEPARTMENT

Article 1

City Electrician

Section 101. General.

The head of the Electrical Department shall be the City Electrician who shall be subject to civil service rules and who shall be appointed by the City Manager as provided by the City Charter.

Section 102. Care of City Electrical Appliances.

The City Electrician shall have the care of all the electrical appliances belonging to the City, and under the direction of the Manager, shall superintend all improvements and additions thereto, and shall make all necessary repairs thereon, in order that the same may at all times be in efficient working order.

Section 103. Location of Electrical Lines.

It shall be his duty to thoroughly inform himself in regard to the location of all telegraph, telephone or other electrical lines within the City, and so far as it may affect life or property, the situation and condition of all electrical appliances, promptly reporting to the Mahager every thing he considers hazardous; also any violation of statute laws or City Ordinances. He shall keep an inventory of all property in his department and its estimated value, also an account of his transactions, and reports the same annually to the City Manager on or before the first Monday in March or oftener, if required.

Section 104. Wires and Cables.

The City Electrician shall supervise every wire or cable over or under streets or buildings; he shall notify the person or corporation owning or operating any such wire or cable whenever its attachments, insulation, supports or appliances are unsuitable or unsafe and shall have removed, at the expense of the owner thereof, every wire abandoned for future use; and he shall see that all laws and regulations relating to his duties, and to the location, erection, maintenance, insulation and removal of wires or cables, over or under streets or buildings are strictly complied with and enforced.

Section 105. Erection of Poles, Inspection of

The City Electrician shall, when so required by the City Council or City Manager, examine every application for the erection of any wire, or poles or posts for the support thereof, in or over any street or public place for such wires; and shall report to them or him any fact which in his opinion bear upon the question of granting or refusing to grant such application.

Section 106. Shutting off of Current.

The City Electrician shall have authority, whenever in his opinion the public safety requires it, to direct any corporation or persons using or operating any such wires, to shut off the electric current therefrom for such period of time as he may deem necessary. And the Chief of the fire department shall have authority in case of fire to have the current shut off such wires that he knows or believes to be dangerous to life or property.

Section 107. Suitable Wires.

Every person or corporation owning or operating a line of wires over streets or buildings in the City, shall use only such wires, as as are suitable and strong; shall suitably and safely attach them to strong and sufficient supports, and insulate them at all points of attachment; shall remove all wires abandoned for future use; shall suitably insulate every wire where it enters a building, and if such a wire is other than a wire designed to carry an electric light or power current, shall attach to it at suitable and convenient points in the circuit, in order to prevent danger from fire, and near the place of entering such building, an appliance calculated to prevent, at all times, a current of electricity of such intensity or volume as to be capable of injuring

electricity instruments or causing fire, from entering such building by means of such wire.

Section 108. Wiring in Public Buildings.

All wires, appliances and apparatus in the interior of public buildings and which are intended for transmission of electricity and to be connected with an outside circuit, shall be made and at all times kept safe, and shall be placed, arranged, attached, changed and maintained by the person or corporation owning or using the same, to the satisfaction of the City Electrician.

Section 109. Repairing of Supports of Wires.

Every person or corporation owning, leasing or operating wires as above described, shall within forty-eight hours after notice served by the City Electrician, make such substitution or repairs of posts; supports, cross-arms or stays for the safe carrying of such wires, as may be required by the City Electrician.

Section 110. Loose Pieces of Wire Left.

No person or corporation shall permit pieces of wire to be left on the surface of any street or sidewalk; nor permit unused coils or loose ends of wire to remain attached to any cross-arms or posts more than twenty-four hours; nor permit any spikes or steps to be driven or maintained in any pole so that the same shall be lower than nine feet above the surface of the street or sidewalk.

Section 111. Location of Poles, Council Power.

111.1 No poles shall be set or maintained in any street, square, lane or alley in the City of Auburn without the permission of the City Council, and all poles carrying wires shall be designated by stencil with names of companies or persons owning or using the same. Whenever an electric light current is carried into a building by conductors from an exterior source, a suitable shut-off or "cut out" must be provided at a point as near as possible to the place where said conductors enter such building.

111.2 The location and height of all poles and wires shall be under the direction and control of the City Council, who may at any time direct such changes to be made therein, as the public safety and convenience may require, after interested parties have been given an opportunity to be heard.

111.3 Location of all telephone, telegraph and electric light poles now located within the City of Auburn shall not be changed to any other or new position upon the streets of the City unless a permit to do so is first obtained from the City Council. Said permit to change location of poles may be granted upon the condition that any damage to sidewalks shall be replaced with same material as then existing.

111.4 Permission given by the City Council to erect and maintain such poles and wires, may be altered or amended in whole or in part, at any time after thirty days' notice and opportunity to be heard have been given to the parties interested, and any of

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such poles or wires may be removed by said City, its officers, agents or servants, from time to time or at any time, without notice, in case of fire or other public necessity.

111.5 All persons or corporations exercising any privileges under this ordinance, shall adopt and use in their business any devices or safeguards which maybe, from time to time discovered or invented, for the protection of persons and property against injury growing out of the use of electric currents for the purposes aforesaid, if required so to do by the City Council.

111.6 The erection by any person or corporation of any wire, pole or other fixture for the purposes aforesaid in the City, after the passage of this ordinance, shall be held to be an agreement on the part of such person or corporation to all the requirements, rules and conditions contained in this ordinances.

Section 112. Placing of Wires.

All wires when placed above the surface of the ground, shall be suspended from poles or buildings, or other supports, to be maintained by the persons or corporations using such wires.

Section 113. Permission for Attaching Wires.

113.1. No wire shall be suspended from or attached to any building for the purpose of conducting electricity, unless by special permission of the owner of such building.

113.2. No person or corporation shall attach, or maintain any wire or other structure for the purpose of supporting any line of wires for telegraphic, telephonic, or electric light or power circuits, to any public building, without the consent of the City Electrician.

Section 114. Claims Resulting From Wires, etc.

Every person or corporation erecting, maintaining or using such poles or wires, shall in case of loss or damage, indemnify and save harmless the City, its officers, agents and servants from and against all lawful claims and demands for injuries to persons or property, occasioned by the existence of such poles or wires, or the transmission of electric current by means thereof; and the said City its agents and servants, exercising the rights and powers given herein, shall not be held liable by such person or corporation on account thereof, by reason of any injury or damage caused thereby.

Section 115. Conditions for Placing Poles, Wires, Etc.

All wires used for the above purposes shall be subject to the following conditions: That no permanent rights shall be obtained in the streets or public grounds by reason of such use, and that such wires shall be subject to change of location or removal, when deemed necessary for the public interests, on order of said board; and in case of fire, if necessary, such wires may be cut or removed by order of the City Electrician or Fire Chief without claim upon the City therefor.

Section 116. Inspection of Wiring and Fees.

116.1. The City Electrician shall inspect all wiring for electric current, whether for heating, lighting or power, whether in a building newly built or whenever any change is made in the location or position of electrical wires, so called, and before any current is turned thereon. Whenever any building is newly wired for the purpose of electric lighting, heating or power, or whenever change is made in the location or position of wires or electric appliances in any building, before any electric current shall be turned thereon, such building, wires and appliances shall be inspected by the City Electrician, at the expense of the owner of said City Electrician shall give a certificate of his approval thereof. No person shall turn any current upon said wires and and no person shall use the said wires for the purpose aforesaid, until said certificate of approval has been obtained.

116.2. The fees for such inspection shall be as follows:

Inspection of cottage house or single floor	\$1.00
Inspection of apartment or tenement house, more than one floor	\$1.50
Inspection of business block or hotel	\$2.50
Minimum fee for minor alteration	\$1.00

Article 2

Electrical Examiners

Section 201. Board of Electrical Examiners.

A board of electrical examiners is hereby created, which shall consist of five members, one of whom shall be the City Electrician, ex-officio; the other four shall be either Master or Journeyman Electricians, to be appointed by the Mayor, for a period of four years, or until their successors have been appointed and qualified; save that at the time of appointing the first Board under this ordinance, the Mayor shall designate the member, other than the City Electrician, whose term shall expire at the expiration of each period of one year for four years thereafter. Vacancies occurring in the Board shall be filled by appointment by the Mayor for the unexpired term, provided that if no appointment be made for a period of one month after the vacancy shall occur, it shall be filled by the remaining members of the Board.

Section 202. Qualifications.

Each member of said Board shall qualify, after his appointment, by being duly sworn to the faithful discharge of his duties by the City Clerk of Auburn, or by a Justice of the Peace, a certificate thereof shall be forthwith filed with the City Clerk by the said Justice of the Peace.

Section 203. Organization.

When said Board shall have qualified, they shall meet and elect a Chairman and a Secretary, and shall forthwith organize.

Section 204. Powers and Duties.

The Board of Examiners shall prescribe the rules and regulations for the transaction of its business, conducting examinations and standards to be attained for the various classes of licenses. It shall be the duty of the Board of Examiners to hold a meeting at least once during each month for the examination of applicants for certificates and for the transaction of any business; to examine all such applicants as to their knowledge of the rules and regulations for the installation of electric wiring, devices, fixtures, equipment and appliances, and the proper repairing of the same, as set forth in the National Electrical Code and the National Electrical Safety Code as approved by the American Engineering Standards Committee; to determine the general qualifications and fitness of such applicant for executing the class of work covered by the license applied for, and to grant licenses as applied for to those showing the proper qualifications, after payment of the prescribed fees. It shall also be the duty of the Board of Examiners to revoke any such license for good and sufficient cause as prescribed in this Ordinance.

Section 205. Certificates; Types.

Three forms of Certificates or Licenses shall be issued. The first, herein referred to as Certificate "A" shall be known as the Master Electric Certificate or License; the second, herein referred to as Certificate "B" shall be known as the Journeyman Electric Certificate or License; the third, herein referred to as Certificate "C" shall be known as Service man Certificate or Special License.

205.1. A Certificate "A" shall be issued to any person engaged in or about to engage in the business of installing electric wires, conduits, fixtures, equipment or other electrical appliances, who shall have qualified therefor under the provisions of this ordinance by examination or has otherwise demonstrated to the satisfaction of the Board of Examiners his qualifications and fitness to perform or direct the work of installing electric wiring, devices, fixtures, equipment or other electrical appliances. Certificate "A" shall entitle the holder thereof to engage in, and to secure permits for, and to execute the work of installing, altering and repairing any kind of electrical wiring, devices, fixtures, equipment and other electrical appliances. The fee for Certificate "A" shall be \$5.00 payable annually at the City Clerk's office at the time of the application for or renewal of the certificate.

205.2. A Certificate "B" shall be granted to any person who shall have qualified therefor by an examination as provided for in this ordinance, or has otherwise demonstrated to the satisfaction of the Board of Examiners his qualifications and fitness to perform the work of installing and repairing electric wiring, devices, fixtures, equipment and other electrical appliances. The fee for Certificate "B" shall be \$2.00 payable annually at the City Clerk's office at the time of the application for or the renewal of the certificate.

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205.3. A Certificate "C" shall be issued to any person engaged in or about to engage in the business or installing, maintaining and repairing electrical refrigeration; and the installation, maintenance and repairing of electrical oil burners and stokers, electric signs, electric meters, radios and other electrical equipment and who shall have demonstrated to the Board his fitness and qualifications to perform such work. Certificate "C" shall be restricted to the special type of work designated therein, and shall not entitle the holder thereof to perform any other type of electrical work. The fee for Certificate "C" shall be \$2.00 payable at the City Clerk's office at the time of the application for or renewal of the Certificate.

Section 206. Certificates Transferable.

No certificate or license issued under the provisions of this ordinance shall be assignable or transferable.

Section 207. Licenses; Suspension or Revocation.

207.1. Said certificate or license may be suspended or revoked by the Board of Examiners after hearing, upon failure or refusal of the licensee to comply with rules, regulations, and requirement as set forth by the National Electrical Code and The National Electrical Safety Code as approved by the American Engineering Standards committee, and the provisions of this ordinance, and for other good and sufficient causes.

207.2. Upon presentation to the Board of Examiners of charges that the holder of any certificate or license has wilfully and persistently violated any provision of this ordinance, or is incompetent to comply with such provisions, the Board of Examiners shall fix a time and place for a hearing to consider such charges and shall notify the holder of the license or certificate of such charges, and the time and place fixed for the hearing. Such notification shall be in writing and shall be delivered to the licensee at least five days in advance of the meeting.

207.3. If, upon a hearing by the Board of Examiners, the holder of a certificate is found to have wilfully and persistently violated any of the provisions of this ordinance or he is found to be incompetent to comply with any of the provisions of this ordinance, then the Board of Examiners may suspend or revoke the license or certificate of said holder. When a license or certificate has been revoked, a new license or certificate shall not be granted to the same person, firm or corporation until the lapse of at least 90 days from such revocation, and all requirements with respect to issuing a new license or certificate have been complied with.

Section 208. Certificates, Expiration.

All certificates shall expire one year from date of issue.

Section 209. Certificates, Display.

All holders of Certificates "A" shall keep them displayed in a conspicuous place in their principal office or place of business and all holders of Certificates "B" and "C" shall be

furnished by the Board of Examiners with evidence of their having been so certified, in card form or otherwise, which shall be carried on them in doing work covered by the certificate and shall be exhibited on request of the electrical inspector or his assistant.

Section 210. Certificates, Not Necessary.

The provisions of this ordinance requiring a certificate for working at or engaging in the business of installing wires, conduits apparatus, fixture of other appliances shall not apply to the installation, construction, maintenance or repair of lines nor to work of companies subject to the regulation of the Public Utilities Commission of the State of Maine on the premises owned or controlled by them, nor to the work of said electric companies in installing, maintaining and repairing on the premises of customers service connections and meters and other apparatus and appliances which remain the property of such companies after installation; nor to the work in connection with the lighting of the streets, alleys, private ways or private or public parks, areas or squared. Not to the work of companies engaged in the transmission of intelligence by electricity in installing, maintaining or repairing wires, apparatus, fixtures or other appliances used in the business of such companies and necessary for or incident to such business, whether said wires, conduits, apparatus fixtures or other appliances are on its own premises or otherwise.

Section 211. Certificates, Partnerships & Corporations.

The Board may issue a Certificate "A" to corporations and partnerships engaged in the electrical business provided that one or more officers or employees of any such corporation, or one or more members of any such corporation directly in charge of the business affairs of such corporation, or one or more of the members of such partnership directly in charge of the business affairs, shall by examination or otherwise satisfy the Board of his or their qualification to be Master Electricians.

Section 212. Certificates, Re-Examinations and Fees Returned.

212.1. An applicant who has failed to qualify for a certificate as provided for by this ordinance, shall be entitled to a return of his license fee at any time after the expiration of thirty days from notification to him of his failure to so qualify.

212.2. Such applicant may, during said period of thirty days, make application, in writing to the Board of Examiners for a second examination, provided he pays to the City Clerk an additional sum of \$1.00.

212.3. The Board shall forthwith thereafter set a time and place for such second examination by notice to the applicant, at least one week prior to the date of such examination.

212.4. An applicant who has failed to pass such second examination shall be entitled to have returned to him the original license fee, but shall not be entitled to have returned to him the additional fee of \$1.00 paid for the application for the second examination.

212.5. An applicant who has failed to pass such second examination shall not be entitled to another examination for a period of three months.

212.6. No person who has filed an application for a certificate and who has successfully passed the examination provided for herein shall be entitled to the return of any fee paid by him, as required by this ordinance.

Section 213. Certificates, Renewals.

The holder of all license issued by virtue of this ordinance shall be entitled to yearly renewals of said license upon payment of the required fee, and without examination; but there shall be no new license or renewal license issued to a person whose license has expired, if no application for such renewal or new license has been made for two years from the expiration date of the license last held by such person, without passing the examination as required by this ordinance.

Section 214. Certificates, Needed.

No person, firm or corporation shall do any electrical work or electric wiring within the City unless licensed in accordance with the provisions of this ordinance.

Section 215. Definitions.

Whenever, in this ordinance the words hereinafter defined in this section are used, they shall, unless the content requires otherwise, be deemed to have the following meanings:

215.1. Journeyman's Electrician -- Any person who customarily performs the work of installing electrical wires, conduits, fixtures, equipment and other appliances under the supervision or direction of a Master Electrician and who holds a Journeyman Electric Certificate issued to him within the current year by the Board, certifying to his fitness to perform such work.

215.2. Master Electrician -- Any person, who as a business hires or employs one or more Journeymen Electricians to do electrical work, or without hiring any person does such work as a principal business or as auxiliary to a principal business for his own account, who has demonstrated by satisfying the requirements of the Board either by examination or otherwise that he is competent to perform and direct the work of installing wires, conduits, apparatus, equipment and other appliances for carrying or using electricity for light, heat, power, transmission of sound and communications purposes, and to whom has been issued a certificate as herebefore provided.

215.3. Person -- Any person, firm or corporation.

215.4. Board -- The Board of Electrical Examiners provided for in this ordinance.

215.5. The words "certificates" and "licenses" are interchangeable as the sense of this article may require.

Section 216. Liability for Damages.

The provisions of this ordinance shall not be construed to relieve from or lessen the responsibility of any person, owning, operation, controlling or installing any electrical fixtures, appliances, devices, equipment or wiring, for damage or injury to any person or property, nor shall it be construed to impose on the City any liability by reason of the inspection herein provided for or by reason of any certificate or license issued hereunder.

Section 217. Penalties.

Whoever shall violate any provision of this ordinance shall, upon conviction, be subject to a fine not exceeding ten dollars. Each day any person, or employees thereof, or any representatives, or any member or officer of a firm or corporation individually enters upon or engages in the business and work hereinbefore defined, without having complied with the provisions of this ordinance, shall constitute a separate offense.

Article 3

Rules and Regulations for Electrical Wiring

Section 301. Rules and Regulations for Electrical Wiring.

The following shall be the rules and regulations governing the installation of electric wires, fixtures and electrical equipment within the City.

301.1 Every corporation or person proposing to place wires designed to carry a current of electricity within a building shall give notice thereof to the City Electrician of said City before commencing the work; and shall not turn the current on to the wires that are to be used for electric lighting, heating, or power until permission to do so has been given by the City Electrician.

301.2. The City Electrician shall be deemed the sole judge of what constitutes proper insulation and the safe installation of electric conductors and appliances within buildings, and is hereby authorized to make such rules and regulations as he may deem necessary to make conductors and appliances as safe as possible. Whenever, in the opinion of the City Electrician any electrical conductors or appliances used for the distribution of an electric current within a building are in an unsafe or dangerous condition, he is hereby authorized to cause the current to be shut off if the existing defects are not remedied within a reasonable time.

301.3. Code to be used -- All electrical wiring or installation shall be made in accordance with the current issue of the "National Electrical Code."

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- 301.4. Service locations -- Electricians may apply and procure from Androscoggin Electric Co. any or all service locations.
- 301.5. Wiring notices -- Wiring notices shall be in writing on printed blanks to be furnished by the City Electrician.
- 301.6. Rough Wiring -- No rough wiring shall be covered in until permission is obtained from the City Electrician.
- 301.7. Fixtures.-- Written notice shall be given upon the installation of any and all fixtures upon blanks furnished by the City Electrician. Service Switches must be located in cellars or basements if possible.
- 301.8. All knife switches must be installed in approved metal boxes.
- 301.9. Entrance pipes and lighting systems must be grounded.
- 301.10 Entrance pipes on power service must be grounded.
- 301.11 All motors, 5 H.P. or over must be grounded.
- 301.12 Fixtures in bath rooms, toilets, or located within reach of a sink or any grounded pipe, must have porcelain sockets, insulated pull chains sockets or keyless sockets; when keyless sockets are installed, must be controlled by a switch.
- 301.13 All new or additional wiring in hazardous places must be conduit B. X. or metal race way.
- 301.14 Circular loom will not be approved in cellars; no "jumping" around timbers is to be permitted.
- 301.15 Use No. 8, or larger, for ground wires and support on solid back board or put in pipe and ground to street side of water shut off.
- 301.16 Entrances must be kept together when possible.
- 301.17 Twelve outlets for house wiring not over 660 watts.
- 301.18 Fuse blocks and cut outs for house wiring must be in cellar with exception of large installations.
- 301.19 All meter settings must be made with No. 10 wire or larger.
- 301.20 Insulating joints and canopy insulators must be used as in the past.
- 301.21 Ground left hand wire on all two wire service switches.
- 301.22 All neutral wires on three wire entrance switches, must not be fused at entrance switches, and three wire cut outs.

CHAPTER 10

ENGINEERING DEPARTMENT

Section 101. General.

The head of the engineering department shall be the City Engineer who shall be appointed by the City Manager as provided by the City Charter.

Section 102. Duties.

The City Engineer shall perform all duties as prescribed by law which shall include but not be limited to the following:

102.1. Perform any duties assigned him by the City Manager.

102.2. Act as consultant on public improvements, where the advice of a civil engineer would be of service.

102.3. Have the charge and control, under the direction of the City Manager, of all plans of every kind not especially belonging to another department but which are the property of the City.

102.4. Keep all plans under his charge properly classified and indexed.

102.5. Have charge of all plans of the streets that belong to the City.

102.6. Make, or supervise the making of, all surveys, measurements, levels, plans and profiles of the streets and other engineering services required by the City Manager.

102.7. Act as engineer for any department requiring the services of a civil engineer except as may be otherwise specified by the City Manager.

CHAPTER 11

FIRE DEPARTMENT

Article 1

Organization

Section 101. General.

The head of the fire department shall be the Chief. Other officers of the fire department shall be the Deputy Chief, Captains, Lieutenants and Privates in that descending order.

Section 102. Chief.

102.1. The chief of the fire department shall be the executive officer and shall be solely responsible for the supervision and maintenance of the department. He shall make such rules and

regulations and issue such orders not inconsistent with statute laws, City Charter and ordinances as may from time to time be necessary for the best interest of the department.

102.2. He shall designate one member of the department to act as department clerk. This member, who is designated as department clerk, shall perform such duties as the Chief may assign him as well as to the roster, fire and other records of the department and a record of length number, age and disposal of the hose.

102.3. He shall require and shall receive from each office and member of the department a strict compliance with all rules and orders and prompt intelligent and faithful service.

102.4. He shall have charge of all stations, apparatus, equipment and other department property and shall by personal inspection assure himself that stations, apparatus and companies are maintained at the highest possible standard of efficiency.

102.5. He shall arrange for frequent adequate drills for the members of the department, and drills shall be participated in by every officer and member of the company drilling.

102.6. He shall release companies and apparatus from fire duty as soon as conditions warrant and order their return to quarters; shall not jeopardize the life of limb of any person unnecessarily; shall leave promises where fire occurred in such condition that fire will not rekindle.

102.7. He shall assume such powers and discharge such duties as are required by State Statutes, City Charter and ordinances, and shall familiarize himself with the same and regulations governing the use and occupancy of buildings so far as the safety of life and property is concerned.

102.8. He shall have the power, as provided in the fire prevention code, Chapter 21 of these Ordinances, to or designate a member of the fire department to, inspect buildings and enforce the Fire Prevention Code.

102.9. He shall assign among the several fire stations equipment, apparatus and personnel as the best interest of the City may demand.

102.10. He shall perform duties delegated to him by the City Council in Section 205 of Chapter 1.

Section 103. Deputy Chief.

During the absence or disability of the Chief all of his powers and duties shall be assumed by the Deputy Chief. He shall respond to all box alarms and perform such other duties as the Chief may prescribe.

Section 104. Captains.

104.1. Every captain shall have the immediate control and command of the company to which he is assigned and shall be responsible for its efficiency and discipline.

104.2. He shall report to headquarters the illness of or injury to any member of his command and such report shall state the nature of such illness or injury and how, when and where it happened or contraced.

104.3. He shall keep an accurate record in the company ledger of all cases of absence from drill, fire or other calls with the reason therefor and shall make a report of such absences to the Chief or Deputy.

104.4. He shall report to the Chief any member who shall be unfit for duty for caused other than injury or illness, or whose conduct is prejudicial to discipline.

104.5. He shall, upon arriving at the fire, immediately report to the officer in command for orders and if not needed will assemble his company at apparatus and await orders.

104.6. The first officer to arrive at the scene of a fire shall assume and retain command untill relieved by the arrival of an officer of superior rank to whom he will briefly state the conditions found on his arrival, the action taken and the present condition of the fire with the disposition of the companies and apparatus.

104.7. He shall order his men from roofs, floors and other places which he considers unsafe and in no case shall life or limb be unnecessarily jeopardized.

Section 105. Lieutenants.

105.1. In the absence or disability of the Captain all his powers duties and responsibilities shall be assumed and discharged by the Lieutenant. The Lieutenant at all times shall co-operate with the commanding officer in maintaining discipline and efficiency.

105.2. He shall make requisition to the Chief for needed supplies, tools, etc, and keep a record of same.

105.3. He shall not allow gasoline to be used in quarters for cleaning purposes not permit any person to smoke while or where motor apparatus is being repaired.

105.4. When detailed to respond to a still alarm response shall be made as directed regardless of any box alarm which may be received before leaving station.

105.5. If in command of a ladder truck he shall have apparatus stopped as near the fire as circumstances and good judgment will permit, taking care not to endanger any apparatus except to save occupants of buildings from injury or death.

105.6. If in command of an engine company he shall if first to arrive at a fire exercise his best judgment in leading off hose line or lines to be used on fire.

105.7. Lieutenants shall see that the apparatus is kept clean and in good order, and ready for service at all times.

Section 106. Privates.

All privates shall obey their superior officers and in the absences of the same shall, when on duty, conduct themselves intelligently and efficiently according to their best judgment.

Section 107. Desk Patrol.

107.1. A constant watch shall be maintained at headquarters at Central Station. The time of service shall be per schedule.

107.2. The desk man shall count accurately every alarm record same and notify the member of the proper apparatus to respond.

107.3. On the departure of the apparatus he shall assume full charge of the station and see that all doors are closed if need be.

107.4. He shall give the closest attention to all telephone calls, especially fire calls. He must receive the message correctly, ascertain the exact location of the fire, and if possible the name of the party sending the call.

107.5. In case of a still alarm for grass, brush, automobile or chimney fire where only one piece of apparatus is required, he shall call the nearest station.

107.6. He shall, on receipt of any doubtful message, immediately notify the officer in charge and follow his directions.

107.7. He shall reply to all telephone calls in a polite, courteous and considerate tone, regardless of his opinion of the call.

107.8. He shall notify the officer in charge of any failure of equipment in his use or under his care and of its need for immediate repairs.

107.9. He shall notify the member detailed to relieve him at least fifteen minutes before his time expires. If not relieved at the proper time he shall report the fact to the officer in charge but he shall not abandon his watch until relieved.

107.10. He shall sound the call bell at Central Station and the telephone bells at the substations at eight A.M. each morning.

107.11. He shall be in charge of the visitors' registration book

Article 2

Rules and offenses

Section 201. House Rules.

201.1. The members shall not use any loud or vulgar language in or about the house and there shall be no remarks about people passing the station.

- 201.2. No member or others shall spit, throw matches, cigar ashes, etc., on the floor.
- 201.3. There shall be no gambling, or intoxication liquor kept or used in or about the station.
- 201.4. The floor shall be kept clean at all times and shall be washed twice each week.
- 201.5. The sidewalk shall be kept clean at all times.
- 201.6. Visitors shall be treated with courtesy, shown about the station and all questions answered politely.
- 201.7. There shall be no children allowed to play in or about the station except with parents or other suitable companions.
- 201.8. The house uniform shall be black shirts and blue pants and street uniforms shall be the regulations uniform, coat buttoned, shoes polished, and the badge on the outside of coat. Street uniform may be altered by order of the Chief during extreme weather conditions.

Section 202. General Rules.

- 202.1. All call men shall know the running schedule of the apparatus and shall respond accordingly, each company with its own apparatus.
- 202.2. All orders of superiors, which pertain to the service and do not conflict with the rules shall be obeyed promptly and without question.
- 202.3. Each member of the department will be furnished with a helmet, rubber coat, and book of rules and regulations, and he shall familiarize himself with the contents and such other orders as may from time to time be issued.
- 202.4. All property of the department in the possession of a member must be returned at the termination of his connection with the department; any property lost or damaged through the negligence of a member shall be paid for by such member.
- 202.5. Any member who may feel himself aggrieved at orders given or by treatment accorded him by any officer or member may prefer charges against such member as prescribed in the rules.
- 202.6. Personal dislikes or enmities must not be permitted to interfere with the proper and orderly conduct of business or with necessary co-operation in the performance of duty.
- 202.7. Officers shall strive to adjust differences or disputes between the men. Differences which cannot be settled in this way shall be made the subject of charge.
- 202.8. Members are required to co-operate with one another not only in the ordinary routine of duty, but also, when unusual conditions or circumstances call for the cheerful co-operation in the general interest of the department.

202.9. The comfort and convenience of members shall be given consideration and promoted in every reasonable way consistent with rules and regulations and the fulfillment of the department obligations to the public.

202.10. When there is doubt as to the meaning of any rule or regulation applications shall be made to the Chief for an interpretation of the same.

202.11. While at a fire the greatest degree of silence compatible with the efficient discharge of duty will be required; any noisy or boisterous conduct will be sufficient cause for censure or their action by the commanding officer.

202.12. Members shall keep their officers advised of all matters of interest to the department and any make suggestions and recommendations for increasing its efficiency.

202.13. No man shall talk back to his superior officer at a fire, or in any place where he is under any duty as a fireman.

202.14. In case the men are called for a purpose other than a fire, caring for hose, fire drill, or cleaning apparatus, there shall be no roll call.

202.15. When answering a call from another city or town, the companies shall report to the officer in charge and shall be under ordered to return to his own station.

202.16. There shall be a regular meeting of all companies at the Central Station the first Thursday of each month at 7:00 P.M. The Chief shall be the officer in charge at all meetings.

202.17. Members shall not leave the City except for every sixth day without notifying and getting permission of the Chief or the Deputy Chief. For the purpose of this sub-section (202.17) "city" will include the City of Lewiston as well as the City of Auburn.

202.18. The Chief, Deputy Chief, Captains, Lieutenants, and Privates shall be entitled to two weeks vacation each year with full pay.

Section 203. Offenses.

Charges shall be made in writing and forwarded through the proper officer to the Chief and shall state the rule violated. Any member of the fire department may be punished for any of the following offenses by reprimand of the Chief of the fire department; by suspension by the Chief of the Fire Department, or by removal by the Chief of the Fire Department subject to the approval of the City Manager. A copy of the action taken together with the reasons therefore shall be forwarded to the Civil Service Commission by the City Manager. The person so punished shall have a right to appeal within five days to the Civil Service Commission who shall grant a hearing within fifteen days from the date of such appeal, and the accused shall have the right of representation by counsel. The action of the Civil Service Commission which may affirm, modify or rescind disciplinary action shall be final.

- 203.1. Disrespect or inselence to a superior.
- 203.2. Neglect of duty, or evading or shirking duty.
- 203.3. Failure to respond with the apparatus, or to respond at all to an alarm.
- 203.4. Misdirecting apparatus by announcement of wrong box number, or otherwise.
- 203.5. Abusive or threatening language.
- 203.6. Absence without leave.
- 203.7. Making a false report of a member of the department either concerning personal character or conduct or any business of the department.
- 203.8. Intoxication.
- 203.9. Gross or habitual carelessness resulting in injury to a member or apparatus, or other property of the department.
- 203.10. Making intentionally, a false official report.
- 203.11. Neglect to wear the department uniform according to the rules.
- 203.12. Neglect or refusal to obey the orders of a superior officer when same are not countenmanded by a superior in rank.
- 203.13. Conduct unbecoming a member of the fire department.
- 203.14. Violation of the rules of the department.

CHAPTER 12

HEALTH DEPARTMENT

Section 101. General.

The Health Officer shall enforce all State Statutes; City Ordinances, and rules and regulations of the State Department of Agriculture, State Department of Health and Welfare and State Division of Sanitary Engineering which pertains to health, plumbing and sanitation.

Section 102. Health Officer.

102.1. The Health Officer shall be appointed by the City Council subject to the approval of the State Commissioner of Health and Welfare as provided by the City Charter.

102.2. The Health Officer shall perform all duties required by law and any other duties assigned him by the City Manager.

Section 103. Plumbing Inspector.

103.1. The Health Officer shall appoint a plumbing inspector, subject to the approval of the State Commissioner of Health and Welfare as required by State Statute.

103.2. The Plumbing Inspector shall perform all duties required of him by law and any additional duties that may be required of him by the Health Officer.

Section 104. Sanitary Inspector.

104.1. The City Manager upon recommendation of the Health Officer shall appoint one or more sanitary inspectors.

104.2. The Sanitary Inspector shall perform all duties required of milk and dairy inspectors as required by State Statutes and any any other duties required of him by ordinance of by the Health Officer.

CHAPTER 13

HIGHWAY DEPARTMENT

Section 101. General.

The head of the highway department shall be the Superintendent of Streets who shall be appointed by the City Manager as provided by the City Charter.

Section 102. Duties.

He shall perform all the duties required of him by law which shall include but shall not be limited to the followings:

102.1. Perform all duties given him by the City Manager.

102.2. Supervise and direct the employees of the highway department and recommend to the City Manager the hiring and discharging of the employees thereof.

102.3. Keep all streets in the City safe and convenient for travelers.

102.4. Make himself acquainted with the lines and bounds of streets and place monuments thereon when necessary.

102.5. Superintend the construction, repairing and maintaining of all streets and roads.

102.6. Remove abstractions from the streets and give notice to the City Manager or proper City official of all nuisances, obstructions or encroachments which he is unable to correct.

102.7. Direct and be responsible for the proper care of all City-owned equipment in his department or under his care and supervision.

102.8. Supervise the collection of waste and rubbish that is collected by the City.

CHAPTER 14

LEGAL DEPARTMENT

Section 101. General.

The head of the Legal Department shall be the City Solicitor who shall be appointed by the City Council, as provided by the City Charter. The City Solicitor shall be an attorney and counsellor at law of the courts of the state.

Section 102. Duties.

The City Solicitor shall:

102.1. Be charged with the performance of all legal services of the City, including those of legal advisor to the council, the City Manager, and to all departments and officers of the City.

102.2. Upon the request of any department head, take the necessary steps to arrange for the prosecution of a violation of any ordinance, and in the furtherance thereof shall confer with and render to the County Attorney such assistance as he shall request.

102.3. Represent the City in matters in which the City is interested coming before any court or tribunal.

102.4. Draft any ordinance when required by the City Council of City Manager.

102.5. Perform such other duties as may be required by the City Council.

102.6. Attend all meetings of the City Council.

102.7. Report to the City Council promptly, all suits brought against the City.

102.8. Make an annual report to the City Manager, which shall include a record of all claims outstanding at commencement of fiscal year, all new claims, all claims closed, and status of outstanding claims.

102.9. Call to the attention of the City Council and the City Manager all matters of law affecting the City.

102.10. Render all opinions in writing, insofar as practicable.

102.11. Maintain an indexed record of all of his opinions rendered and turn such record over to his successor in office.

102.12. Whenever any City Officer or other person is required by any law, ordinance or contract, or by order of the City Council, to give bond, and such bond is presented to the City Solicitor by or on behalf of the person required to furnish the same, the

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City Solicitor shall so certify thereon when the same meets with his approval as to form and its legally and financially sufficient.

CHAPTER 15

POLICE DEPARTMENT

Article 1

Department

Section 101. Police Chief.

The head of the Police Department or City Marshall shall be the Police Chief, who shall have the following duties and responsibilities:

101.1. The efficient operation of the department.

101.2. The assignment of beats of the patrolmen with the approval of the City Manager,

101.3. The assignment of schedules of work for members of the department.

101.4. The enforcement of all law that comes under the jurisdiction of his department.

101.5. The enforcement of all ordinances not otherwise provided for.

101.6. The making of rules and regulations for the proper operation of the department.

101.7. The performance of any other duties required of him by law or the City Manager.

Section 102. Captains.

The Captains shall have the supervision of the patrolmen under the Chief. They shall perform any and all duties assigned them by the Chief. In the absense or the disability of the Chief the Captains shall assume his duties in the order of their seniority unless otherwise directed by the City Manager.

Section 103. Lieutenants.

The inspectors in the Police Department shall be Lieutenants. The Lieutenants shall perform any duties assigned them by the Chief. In cases of need, and in the absense or disability of the Chief and Captains, the Lieutenants shall assume the duties of the aforesaid mentioned officers in the order of their seniority unless otherwise directed by the City Manager.

Section 104. Sergeants.

Sergeants, when on duty, shall, under the supervision of the aforesaid mentioned officers, assume charge of the station house

and act as desk men. In this capacity they shall have direct control over the patrolmen.

Section 105. Patrolmen.

The Patrolmen shall perform all duties assigned them by their superior officers. In the absence of orders they shall act intelligently and efficiently according to their best judgment.

Section 106. Police Station House (Headquarters)

Books shall be deposited at the Police station house as now established, in which shall be recorded in full the name, age and description of every person there detained, the time of such arrest, the offense charged, and the name of each person furnished with lodging; all information respecting violations of the ordinances of the City; all burglaries, robberies, larcenies, assaults, and other offenses whatsoever with as many particulars relating thereto as possible; such especially as time and place, name of offender, complainant, witnesses, description of persons or stolen property, estimation of value, and other relevant information.

106.1. The Police station house shall be provided with a copy of the Revised Statutes of the State of Maine, the Revised Ordinances and amendments thereto of the City of Auburn, a Lewiston & Auburn Directory, and the Rules and Regulations of the Police Department both those established by ordinance and those made by the Police Chief.

Section 107. Rules and Regulations of the Police Department.

The following shall be the Rules and Regulations of the Police Department:

107.1. The City shall be divided into beats, and the hours of regular service of the members of the department shall be from time to time specified by the Police Chief, but it is to be clearly understood by all members of the Police force that whenever occasion requires, the sphere of their duties is the entire City, and that they are liable to be called into service for any portion of such if necessary. No extra compensation shall be allowed except such bills as are approved by the Police Chief and the City Manager.

107.2. Every officer and member of the Auburn Police Department shall wear the required uniform and badge of his rank at all times when performing any official duty, unless permission to omit is granted by the Police Chief or the City Manager. They must maintain decorum and amiability among themselves in the station as well as out, and show proper respect to their superior officers.

107.3. Every Policeman shall be furnished with a book in which shall be noted by him.

(1). What violations of law he sees and attends to.

(2). The doors or entrances to stores or houses found

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accidentally open and whom he notified thereof or what protection he afforded.

(3). What alarms of fires he gives, and the time and his position when he hears an alarm given by others.

(4). All nuisances on his route, so that they be removed without delay.

(5). All defective and dangerous places in the sidewalk and in the streets, first securing them against danger to the public.

(6). Any other offenses against the ordinances of the City, names of offenders, witnesses and other relevant information.

(7). Daily make a report of all that he has done and all important information that has come to his knowledge, exhibiting his book, if requested to any superior.

(8). Erasures or alterations of any memorandum once made in his book are prohibited. Correction shall be made by additional entries.

107.4. Any member of the Police force may be punished for any of the following offenses, by reprimand, suspension or removal by the Police Chief subject to the approval of the City Manager:

(1). Absence without leave.

(2). Any act of insubordination or disrespect toward a superior officer.

(3). Any acts of oppression or tyranny against the public or fellow officers.

(4). Any criminal offense.

(5). Conduct unbecoming an officer.

(6). Contracting a debt under false or fraudulent pretenses.

(7). Conduct injurious to the public peace or welfare.

(8). Continued and persistent neglect to pay just debts.

(9). Intoxication.

(10). Immoral conduct.

(11). Incapacity, mental, physical or educational.

(12). Not properly patrolling his beat during his tour of patrol duty.

(13). Neglect of duty as hereinafter defined.

- (14). Neglect or disobedience of orders.
- (15). Unnecessary absence from his beat during his tour of patrol duty.
- (16). Violation of the rules of the department.
- (17). Unwarranted physical abuse of persons taken into custody for violation of any law or ordinance or for investigation.
- (18). Any other act contrary to the good order and discipline of the department.

A copy of the action taken with reasons therefor shall be forwarded to the Civil Service Commission by the City Manager. The accused and disciplined officer shall have the right of appeal within five (5) days to the Civil Service Commission who shall grant a hearing within fifteen (15) days from date of appeal, and the accused member shall have the right of representation by counsel. The action of the Civil Service Commission which may affirm, modify or rescind the disciplinary action shall be final.

107.5. No officer or policemen shall, under any circumstances, when on duty, drink spirituous liquors, or engage in any act which is contrary to the laws of the State or ordinances of the City. No member of the Police Department, when on duty or in uniform shall smoke on any street.

107.6. No member of the department shall communicate any information respecting orders he may have received or any regulations that may be made for the government of the department, nor shall he divulge any of the business of the department, except by special authority of his superior officer.

107.7. He shall furnish such information and render such aid to all persons when requested, as is consistent with his duty and he shall keep his number in sight, and give his name and number to all persons who inquire.

107.8. He shall direct strangers, and others, when requested, the nearest and safest way to their destination. If he hears the cry of Police or other call for assistance, he shall proceed to render aid with all dispatch, taking every practicable precaution for the protection of his beat when he leaves it for this or any other purpose.

107.9. He shall cause all children who have strayed, or infants who have been abandoned to be taken to the residence of their parents, if known, and within the bounds of his beat; and, if not, to the station house. He shall take note of all cases of contagious disease, or sudden death where there is reasonable ground to suspect criminality, and render immediate aid in cases of accident or illness in the streets, ascertaining all important particulars connected therewith, making record thereof.

107.10. He shall note all street and sidewalk obstructions, and defects therein, from which accidents may occur, removing them when practicable; all coal holes left exposed or insecure; all

street lights not lighted at proper times, or too early extinguished, when not clean, or not giving sufficient light; all buildings erected or being erected contrary to law, or any building defectively built or becoming unsafe; all places where dangerous, noisome, or unwholesome trades are being carried on, and all nuisances or other matters relating to the public or the interests of the City, which may occur on his beat, and shall make report, thereof without delay, to his superior officer.

107.11. He shall examine in the night time all doors and windows of stores on his beat to see that they are properly secured, and if not, give notice to the inmates if any, and if not, make the same fast and notify the owner in the morning. He must watch vacant houses to prevent depredations; be vigilant to prevent fires; call attention of abutters to the condition of their sidewalks, when by snow, ice or other causes, they are rendered dangerous, or when obstructed by goods, or signs illegally extending over the same, or other encumbrance; take note of all ashes, garbage, dead animals and other rubbish thrown into the streets; and where the laws and ordinances, orders, rules and regulations for the government of such cases, upon notice given, are not forthwith obeyed, the officer shall do what he can, himself, to make the way safe and convenient, ascertaining the names of the parties offending and report the same for complaint and prosecution.

107.12. The Police shall not allow the sidewalks or streets to be obstructed, or a nuisance to be caused by the assemblage of idle and disorderly persons at the corners of the streets, at the doors of public halls, theatres or on the highways, to the disturbance or annoyance of passers-by or of the neighborhood. Persons committing such offenses shall be civilly requested to disperse, and, if they refuse, shall be arrested.

107.13. When any person begs in the streets, or goes from house to house soliciting alms, any officer having knowledge of the same shall inquire the name and above of such person and note the same for record, and direct such person, if in distress, to the overseers of the poor, or to any charitable institution or association in his knowledge affording relief in such cases, or arrest and convey such person to the station house, if he deem expedient.

107.14. When any way becomes blocked by traffic, he shall use his best endeavors to aid the drivers in disentangling the same, and where the stream of travel is continuous, open the way for foot travelers wishing to cross, attending women, children and aged persons, who would be otherwise exposed to danger.

107.15. On the occurrence of serious disturbance, it is the first duty of the Police to restore, if possible, peace by moderate efforts of persuasion, and to disperse the crowd; if these fail, the offenders must be dispersed by force, and the principals, therein, arrested coolness and firmness will be expected, in all cases, of every member of the department, and in times of extreme peril, the Police must be careful to act together, and to protect each other in the restoration of peace.

107.16. No member of the Police force will be permitted to apply for a warrant for an assault upon himself without reporting the case to the Chief of Police, and obtaining from him or from the City Manager permission in writing to make such application. Members of the department must not render any assistance in civil cases, except to prevent a breach of the peace or to quell a disturbance actually commenced, nor serve search warrants without consent of the City Manager or Police Chief.

107.17. Policemen shall serve all warrants for arrests promptly, and shall deliver the person arrested over to the officer in charge of the station house, and make proper return, thereof, on his warrant. They may also arrest, without a warrant, any person reasonably suspected of having committed a felony, or seen committing a breach of the peace, or being unduly armed with a dangerous weapon, and night-walkers. They may also examine any person walking abroad in the night after ten o'clock, and whom they shall have reason to suspect of any unlawful design, and may demand of him his business abroad at such time, and where he is going.

107.18. When any party charges another with crime and insists that the party so charged shall be taken into custody, the officer making the arrest shall require the accuser, if unknown to him, or if there is any sufficient reason for it, to go with the accused to the station house.

107.19. Policemen shall make all arrests in as easy and quiet a manner as possible, using only sufficient force to secure the prisoner, and no more, and, in no instance shall they strike a prisoner, except in case of self-defense. When in custody, they shall see that the prisoner is properly secured and cared for until removed from their custody, according to law.

107.20. All property which shall come into possession of members of the force, whether stolen, found, or taken from prisoners arrested, shall be taken to the Police office, unless otherwise ordered, and all articles thus delivered shall be recorded and marked for identification.

107.21. Whenever there is reason to apprehend a riot or serious disturbance of the peace, information should be given as speedily as possible at the station house and to the City Manager and Police Chief.

107.22. Policemen shall patrol their beats constantly, giving particular attention to the most important portions of said beats.

107.23. They shall, when upon duty on the streets, or as witnesses in court, appear in uniform as specified by the Police Chief in the rules and regulations issued by said Chief, unless otherwise directed.

Section 108. Vacation.

All members of the Police Department are entitled to two weeks' vacation each year with full pay.

Section 109. Work Schedule.

All members of the Police Department shall work four, nine hour days and have the fifth day off.

Section 110. Clothing Allowance.

All patrolmen shall receive a \$75.00 clothing allowance annually and all superior officers shall receive a \$50.00 clothing allowance annually.

Article 2

Police Matron

Section 201. Appointment.

The Police Matron shall be appointed by the City Manager and shall perform duties prescribed by him. In matters concerning Police work the Police Matron shall be responsible to and subject to direction by the Police Chief as well as the City Manager.

Section 202. Welfare Duties.

It shall be the duty of the Police Matron to seek out and investigate into the wants of the deserving and destitute poor of the City of all classes, without regard to their religious belief, race or nationality, and to solicit and obtain such aid for them as is procurable for relieving their wants; and in administering such aid, said Police Matron shall consult with the Clerk of the Overseers of the Poor to the end that assistance may not be rendered in cases where aid is already being furnished by the Overseers of the Poor.

Section 203. Attend Female Prisoners.

It shall be the duty of said Police Matron to visit and administer to the wants of any female prisoner confined in the lock-up, when thereto requested by the Police Chief.

Article 3

Sealer of Weights and Measures

Section 301. Appointment.

The City Manager shall appoint a Sealer of Weights and Measures. He shall be paid by fee as provided in the state statutes. He shall have such powers and duties as are prescribed by the state statutes.

Article 4

Dog Officer

Section 401. Appointment.

The Mayor shall designate one constable or Police officer to be titled the Dog Officers, whose duty shall be to enforce state and local laws regarding dogs.

Article 5

Weighers of Coal and Coke; Measurers of Fire Wood, Bark and Charcoal, Surveyors of Lumber; Surveyors, Clapboards, Staves and Hoops; Constables; Fenceviewers.

Section 501. Appointment.

The City Council shall appoint (1) Weighers of Coal and Coke, (2) Measurers of Firewood, Bark and Charcoal, (3) Surveyors of Lumber. (4) Surveyors of Shingles, Clapboards, staves and Hoops (5) Constables, and (6) Fenceviewers, in such as they deem necessary, to comply with the requirements of state law. The above appointees shall have such powers and duties as are prescribed by State law.

CHAPTER 16

PURCHASING DEPARTMENT

Section 101. General.

The head of the Purchasing Department shall be the Purchasing Agent who shall be appointed by the City Manager.

Section 102. Duties and Powers of the Purchasing Agent.
The Purchasing Agent shall:

102.1. Do all of the purchasing required by the various departments, offices and agencies of the city government subject to the qualification that he shall purchase supplies for the schools only upon requisition by the superintending school committee.

102.2. Have charge of the storage of supplies and materials purchased by the City and not delivered directly to the various departments and shall keep proper inventory records thereof.

102.3. Seek competitive bids for all supplies costing \$50.00 or more except for emergency purposes and supplies for the superintending school committee.

102.4. Maintain a list of suppliers desiring to receive invitations to bid.

102.5. Keep informed and maintain records as to the sources of supply for all classes of purchases, price trends and other related matters.

102.6. Establish and from time to time amend, such lawful rules and regulations, not inconsistent herewith as may best promote the efficient and economical operation of the functions of his office.

102.7. Sell all property unfit or unnecessary for the city's use upon authorization by the City Council.

102.8. Perform any additional duties assigned him by the City Manager.

CITY OF AUBURN, MAINE
CHAPTER 17

RECORDS DEPARTMENT

Section 101. General.

The head of the Records Department shall be the City Clerk who shall be appointed by the City Council as provided by the City Charter.

Section 102. Duties.

The City Clerk shall perform all the duties prescribed by law which shall include but shall not be limited to the following:

- 102.1. Serve as Clerk of the City Council, and perform such other duties for the City Council as it may require. He shall authenticate by his signature and be responsible for the filing, indexing and safekeeping of all proceedings of the City Council, which shall be open to public inspection.
- 102.2. Perform all duties in regard to elections required of City Clerks by law. Keep and maintain all election records and have custody of all property used in connection with elections.
- 102.3. Publish all legal notices unless otherwise provided.
- 102.4. File and preserve all contracts, surety bounds, oaths of office and other documents not required to be filed elsewhere.
- 102.5. Receive applications for licenses and permits issue all licenses and permits; collect the fees required therefor as provided by law, and keep books of record in regard to the granting of all licenses and permits.
- 102.6. Obtain and maintain, under general direction as to method by the City Health Officer, all statistics relating to births, marriages and deaths as required by law.
- 102.7. Be the custodian of the official City Seal.
- 102.8. Notify the appointing authority of any commission, board of agency thirty days prior to the expiration of the term of office of any member thereof.
- 102.9. Transmit to the City Council all papers requiring their consideration.
- 102.10. Cause all persons appointed to office by the City Council to be seasonably notified of their appointment.
- 102.11. Notify the manager and auditor, in writing, of all orders authorizing appropriations, expenditures, assessments, apportionments, abatements, or awards of damages within three days of their passage. For the purpose of this subsection a signed copy of the minutes of the City Council shall be sufficient.
- 102.12. Deposit in a fire-proof safe or vault, provided therefor, all books of record and registry belonging to the City, and shall

see to it that said books are at all times kept in said safe or vault except when they are required for use.

102.13. Engross, in a fair and legible hand, or cause to be typed all ordinances passed to be engrossed by the City Council.

102.14. Record all ordinances after they shall have been passed in a book kept for that purpose, and the ordinances shall be preserved in a convenient form for inspection or reference.

102.15. Perform any and all duties assigned him by the City Manager.

CHAPTER 18

RECREATION AND PARKS DEPARTMENT

Section 101. Establishment.

As provided by Sections 109-A to 109-F incl. of Chapter 80 of the Statutes of Maine as amended in 1945, a Recreation and Parks Department is hereby established. The head of the said department shall be the Superintendent of Recreation and Parks who shall be appointed by the City Manager. This department shall include such added employees as may be necessary, who shall be appointed by the City Manager upon the recommendation of the Superintendent of Recreation and Parks.

Section 102. Duties.

The said Superintendent shall have the following duties:

102.1 Supervise, promote, develop, maintain and administer the recreational program of the City.

102.2 Be responsible for and have charge of all equipment and paraphernalia used by said department.

102.3 Supervise the maintenance of the parks and play areas of the City.

102.4 Supervise and direct the employees of said department.

102.5. Conduct studies of local conditions and the needs effecting the recreational program of the City for the purpose of promoting and developing the said program.

102.6 Submit annually, to the City Manager, an inventory of equipment in or under the jurisdiction of the said department, a report of accomplishments during the year and a proposed budget for the following year on a date set by the City Manager.

102.7 Perform any duties the City Manager may assign him.

CHAPTER 19

TREASURER

Section 101. General.

The Treasurer shall be appointed by the City Council as provided by the City Charter.

Section 102. Duties.

102.1. He shall perform all duties required of him by law and any additional duties required of him by the City Manager.

102.2. He shall cause all books, deeds, papers, vouchers and documents in his care belonging to the City, to be deposited and kept in a fire-proof safe or vault therefor provided.

102.3. He shall deliver over to his successor all papers, books, documents and property belonging to the City.

CHAPTER 20

BUILDING CODE

Article 1

Section 101. Fire Limits.

101.1. For the purpose of securing the prevention of fire and the preservation of life and property in the City of Auburn, the following shall be and are hereby declared to be the fire limits:

101.2. Commencing on the westerly bank of the Androscoggin River at that point known as the Logan; thence extending along Center Street to Turner Street; thence along Turner Street to Union Street; thence along Union Street to Court Street; thence diagonally across Court Street to South Goff Street to Minot Avenue; thence along Minot Avenue of First Avenue; thence along First Avenue to Washington Street; thence along Washington Street to Madison Street; thence in an extension of the line of Madison Street and in a southeasterly direction across the Little Androscoggin River to Mill Street; thence along Mill Street to South Main Street; thence along South Main Street to Fourth Street; thence along Fourth Street to Broad Street; thence along Broad Street to Third Street; thence along Third Street to Cook Street; thence along Cook Street and Cook Street extended to the Androscoggin River; thence along the Androscoggin River to the point of beginning.

Article 2

Preliminary Requirements

Section 201. New Buildings and Buildings to be Altered.

No wall, structure, building, or part thereof, shall hereafter be built or constructed, nor wiring of any building, structure or

premises, be constructed or altered, in the City of Auburn, except in conformity with the provisions of this Code.

201.1. No building already erected, or hereafter to be built, is said City, shall be raised, altered, moved or built upon in any manner, that would be in violation of any of the provisions of this Code or the approval issued thereunder. Structures hereafter erected without permit, or not in conformity with this ordinance, shall be removed.

Section 202. Filing Plans and Statements.

Before the erection, construction or alteration of any building or part of any building, structure of part of any structure, or wall, or any platform, staging or flooring to be used for standing or seating purposes, and before the construction or alteration of the wiring of any building, structure or premises is commenced, the owner or lessee, or agent in connection with the proposed erection or alteration shall submit to the Building Inspector a detailed statement of the specifications; a full and complete copy of the plans of such proposed work; and such structural detail drawings of said proposed work as the Building Inspector may require; all of which shall be accompanied with a statement in writing, giving the full name and residence, street and number, of the owner, or of each of the owners of said building, or proposed building, structure or proposed structure, premises, wall, platform, staging or flooring or if a corporation, the name and business address and the names and residences of the President, and Secretary or Treasurer thereof, and a copy of the plans shall be kept on file in the office of the Building Inspector.

202.1. And the erection, construction, or alteration of said building, structure, wall, platform, staging or flooring, or any part thereof, shall not be commenced or proceeded with, until said statements and plans shall have been so filed, and approved by the Building Inspector and by the City Manager.

Section 203. Ordinary Repairs.

Ordinary repairs of buildings or structures, may be made without notice to the Building Inspector, but such repairs shall not be construed to include the cutting away of any stone or brick wall, or roof, or any portion thereof, the removal or cutting away of any beams or supports, or the removal, change or closing of any staircase.

Section 204. Code Applies to Municipal and Private Buildings.

The foregoing provisions and all the Provisions of this Code shall apply with the equal force to buildings, both municipal and private.

Section 205. Approval or Rejection of Plans.

It shall be the duty of the Building Inspector to approve or reject any plan filed with him pursuant to the provisions of this section within a reasonable time.

Section 206. Limitation of Permit.

Any permit which may be issued by the Inspector, pursuant to the provisions of this section, but under which no work is commenced within one year from the time of issuance shall expire by limitation.

Section 207. Demolishing Buildings.

When plans and detailed statements are filed with the Building Inspector for the erection of a new building, if any existing building or part of an existing building is to be demolished, such fact shall be stated in the statement so filed.

In demolishing any building, story after story, commencing with the top story, shall be completely removed. No material shall be placed upon the floor of any such building in the course of demolition, but the brick, timbers and other structural parts of each story shall be lowered to the ground immediately upon displacement.

The owner, architect, builder or contractor for any building, structure, premises, wall platform, staging, or flooring to be demolished shall give not less than twenty-four hours' notice to the Building Inspector of such intended demolition.

Section 208. Fees.

The fee of the Inspector for inspection as set forth in this ordinance shall be paid for in each instance by the owner of the building or by the person causing the nuisance, or may be demanded from the one requesting the inspection if no nuisance appears, or in advance, as listed in Schedule 3, Section 303, Chapter 24 of these revised ordinances.

Article 3

General Regulation

Section 301. Incombustible Walls, Cornices and Roofs Required Within Fire Limits.

Every building hereinafter erected or enlarged within the fire limits shall be enclosed on all sides with walls constructed wholly of stone, well burned brick, terra cotta concrete, or other equivalent incombustible materials; and shall have the roof, top, and sides of all roof structures, including dormer windows, covered with incombustible material. All cornices shall be of incombustible material.

Section 302. Cornices Damaged by Fire.

All exterior cornices of wood, or gutters on brick or stone buildings, within the fire limits that may hereafter be damaged by fire to the extent of one-half shall be taken down, but if not damaged to the extent of one-half, the same may be repaired with the same kind of material of which they were originally constructed.

Section 303. Permissible Wooden Structures Within Fire Limits.

No frame or wooden structure shall hereafter be built within the fire limits as given herein, or within the fire limits hereafter established except the following; and all roofs placed upon such buildings or structures shall have a fire resisting covering as may be approved by the Building inspector.

303.1. Temporary one-story frame buildings for use of builders.

303.2. One-story sheds not over 15 ft, high, open on the long side with sides covered with incombustible material, and with an area not exceeding 500 square feet. A wooden fence shall not be used to form the back or sides of such sheds.

303.3. Wooden fences not over 10 feet high.

303.4. Piazzas or balconies not exceeding 10 feet in width, nor extending more than 3 feet above the second-story floor beams. No such structure shall extend beyond the lot line, or be joined to any similar structure of another building.

303.5. Bay windows when covered with incombustible material.

303.6. Small outhouses not exceeding 150 square feet in area and 8 feet in height.

Wooden sheds or outhouses shall not be located within 5 feet of any lot line.

303.7. Grain elevators, coal pockets, or ice houses, as usually constructed.

303.8. Single and two family dwellings.

No frame building shall be moved from without to within the fire limits. No dwelling of frame construction existing or that may be constructed under this section shall be altered for uses as other than a dwelling house.

Section 305. Buildings Having Prohibited Occupancies Within Fire Limits.

No building shall be used for a public garage or dry cleaning establishment, within the fire limits, unless it be of fire-proof construction.

305.1. No building shall be used for a bakery unless the oven equipment is of approved construction.

Section 306. Limits of Height and Area.

Except as specified in Section 324, no building hereafter erected within the corporate limits, having walls of hollow terra cotta or concrete blocks, shall exceed three stories, or 40 feet in height; and no building hereafter erected or altered shall exceed four stories, or 55 feet in height, unless it be of fire-proof construction, when it shall not exceed ten stories, or 125 feet.

306.1. The floor area between fire walls of non-fireproof buildings shall not exceed the following: When fronting on one street, 5,000 square feet; when fronting on two streets, 6,000 square feet; and when fronting on three streets, 7,500 square feet. These area limits may be increased under the following conditions as indicated:

306.2. For non-fireproof buildings, fully equipped with approved automatic sprinklers, 50 per cent.

306.3. For fireproof buildings not exceeding 125 feet in height, 50 per cent.

306.4. For fireproof buildings not exceeding 125 feet in height, fully equipped with approved automatic sprinklers, 100 per cent.

306.5. No part of any building shall project over any public way.

Section 307. Excavations Affecting Adjoining Property.

Whenever an excavation is not intended to be or shall not be carried to a depth of more than 10 feet below the curb level, the owner of every adjoining or contiguous wall or structure, yard, or bank of earth or rock shall protect the same, so that they shall be and remain as safe as before such excavation was begun. Such owner shall be permitted to enter upon the premises where the excavation is being made when necessary for this purpose.

307.1. Whenever an excavation of either earth or rock for buildings or other purposes shall be intended to be or shall be carried to the depth of more than 10 feet below the curb, the person causing such excavation to be made shall at all times from the commencement until the completion thereof, if accorded the necessary license to enter upon the adjoining land, and not otherwise, at his own expense preserve any adjoining or contiguous wall, structure, yard, or bank of earth or rock from injury, and support the same by proper foundations or retaining walls, so that the said wall, structure, yard, or bank of earth or rock shall be and remain practically as safe as before such excavation was commenced, whether the said adjoining or contiguous wall structure, yard, or bank of earth or rock are down more or less than 10 feet below or above the curb. For this purpose such approved foundations or retaining walls may be built upon the property upon which the wall, structure, yard, or bank of earth or rock is situated. If the necessary license is not accorded to the person or persons making such excavation, then it shall be the duty of the owner refusing to grant such license at his own expense to make the adjoining or contiguous wall, structure, yard, or bank of earth or rock safe and support the same by proper foundations so that adjoining excavations may be made, and shall be permitted to enter upon the premises where such excavation is being made for the purpose, when necessary.

Section 308. Foundations Adjoining Party Walls.

In case a party wall is intended to be used by the person causing an excavation to be made, and the footings and foundations of such party wall are in good condition and sufficient for the

uses of both the existing building and the new one, then the person causing the excavation to be made shall, at his own expense, preserve such party wall from injury and support the same by proper means, so that said party wall shall be and remain as safe as before the excavation was begun.

308.1. In case the footings and foundations of any said party wall are not in good condition, or not sufficient for the uses of both the existing building and the new one, it shall be the duty of the person causing such excavation to be made to extend such defective or insufficient footing or foundation, or to replace same with a new footing or foundation. Such extended or new footing shall project on each side of the party line such a distance as to bring the center of the footing under the center of the wall, so that the total load upon the wall may be uniformly distributed over the area of the footing. Any other method may be used which will adequately support the party wall. In order that this may be done, the person causing the excavation to be made shall be allowed access to the adjoining premises.

308.2. In case any excavation or the removal of any existing building shows any adjoining wall or structure to be unsafe at the time the excavation was begun, it shall be the duty of the person causing the excavation to be made or the building to be removed, to forthwith report the fact, in writing, to the Building Inspector, who shall upon the receipt of such notice, forthwith cause and inspection of such adjoining premises to be made, and if such inspection proves the aforesaid wall or structure to be unsafe, it shall be the duty of the Building Inspector to declare such wall or structure to be unsafe and cause the same to be repaired as herein provided.

308.3. If the person whose duty it shall be to preserve or protect from injury any wall or structure shall neglect or fail to do so within 24 hours after the receipt of a notice from the Building Inspector, then the Inspector may enter upon the premises and employ such labor, and furnish such materials and take such steps as, in his judgement, may be necessary to make the premises safe and secure, or to prevent the same from becoming unsafe or dangerous, at the cost and expense of the person whose duty it is to keep the same safe and secure.

Section 309. Foundation Walls.

Foundation walls shall be construed to include all walls and piers built below the curb level, or nearest tier of beams to the curb, or to the average level of the ground adjoining the walls, to serve as supports for walls, piers, columns, girders, posts or beams.

309.1. If built of rubble stone, they shall be at least 8 inches thicker than the wall next above them to a depth of 12 feet below the curb level; and for every additional 10 feet, or part thereof deeper, they shall be increased 4 inches in thickness.

309.2. If built of brick or plain concrete and supporting walls over 30 feet in height, they shall be at least 4 inches thicker than the wall next above them to a depth of 12 feet below the curb level and for every additional 10 feet or part thereof deeper,

they shall be increased four inches in thickness. In buildings not exceeding 30 feet in height, the Superintendent may at his discretion permit the foundation walls to be the same thickness as the walls above.

309.3. Hollow blocks may be used for the foundation walls of buildings not exceeding three stories or 40 feet in height, provided said walls, are not less than the thickness required for foundation walls of brick or plain concrete. All blocks shall be laid to line and level, and carefully bonded. When blocks are laid with cells vertical, the stability of the walls and their resistance to water, may be increased by being filled solidly with wet concrete. Such foundations shall not be stressed beyond the limits allowed in good practice.

NOTE:--Attention is called to the fact that foundation walls of hollow building blocks, even when filled with concrete, are sometimes not efficient in resisting moisture, and it is recommended that such walls be thoroughly waterproofed on the outside.

309.4. Portland cement mortar only, shall be used in footings and foundation walls.

Section 310. Footings.

The footings for foundation walls, piers, and columns, shall be constructed of plain concrete, reinforced concrete, or of steel grillage beams resting on a bed of concrete. Wooden footings may be used if they are entirely below the level of low water.

310.1 Footings shall be so designed that the loads they sustain per unit of area shall be as nearly uniform as possible, and the stresses shall conform to the requirement of this Code. The dead loads carried by the footings shall include the actual weight of the superstructure and foundations down to the bottom of the footing. All tanks or other receptacles for liquids shall be figured as being full. All vaults or similar built-in structures shall be considered parts of the building.

310.2. The live load on column footings shall be assumed to be the same as the live load in the lowest tier of columns.

310.3. Loads exerting pressure under the footings of foundations of buildings more than three stories in height, shall be computed as follows:

(a) For buildings in which the required live load does not exceed 75 pounds per square foot, assume the total dead load, plus 60 per cent of the full live load.

(b) For buildings in which the required live load exceeds 75 pounds per square foot, assume the total dead load, plus 75 per cent of the full live load.

301.4. In no case shall the load per square foot under any portion of any footing due to the combined dead, live, and wind loads, exceed the safe sustaining power of the soil upon which the footing rests.

310.5. Concrete footings shall be not less than 12 inches thick, except as recommended by Inspector on single story building.

310.6. Concrete for footings shall be made of at least one part of Portland cement, and not more than two and one-half parts of sand, and five parts of broken stone or gravel.

310.7. Broken stone shall be hard, durable, and of quality approved by the Inspector. Where gravel is used it shall be free of all foreign material.

310.8. Where mass concrete is used for footings or foundations, the stone or gravel shall be of such size as will pass through a two-inch ring, and shall be free from dust or other deleterious material. Sufficient small aggregate shall be added to secure density.

NOTE:--Under some conditions it is premissable to embed large stones in mass concrete, it then being called "rubble concrete." Rubble concrete shall not be used for projecting footings.

310.9. Stepped up courses of brick shall have offsets of not more than one-half inch if laid in single courses, and one inch if laid in double courses.

310.10. If the nature of the ground and the character of the building are such as to make it necessary or advisable, isolated piers may be used instead of a continuous wall to support the building.

310.11. Grillage beams shall be united by bolts and separators, and the grillage filled solid with concrete. All metal which forms parts of any footing or foundation shall be protected from rust, by a wash of rich Portland cement grout, or by the use of other approved coating, and shall be entirely encased with at least four inches of concrete.

Section 311. Walls.

All exterior, or division walls of buildings hereafter erected of masonry or concrete shall be of sufficient thickness to support safely the load to be carried.

311.1. Walls, excepting party and fire walls, for all buildings of other than the dwelling house calls, not exceeding five stories or 65 feet in height shall have the upper two stories not less than 12 inches thick, increasing four inches in thickness for each two stories or fraction thereof below. For such buildings in excess of five stories, but not exceeding ten stories or 125 feet in height, the top story shall be not less than 12 inches thick, increasing four inches in thickness for each two stories or fraction thereof below. No two-story increment shall exceed 30 feet in height.

311.2. Solid masonry exterior walls of dwellings not exceeding 30 feet in height exclusive of gable, and occupied by not more than two families, may be not less than eight inches thick, and shall include cellar and basement walls if built the same thickness. The unsupported length of such walls shall not exceed 25 feet.

311.3. Solid concrete walls shall be not less than 6 inches thick, and hollow monolithic concrete walls shall have an aggregate thickness of not less than 6 inches. If masonry walls are built hollow, or are constructed of hollow clay or concrete units, the allowable height of the eight inch portion shall be limited to 20 feet and the remaining lower portion shall be at least 10 inches thick.

311.4. For dwellings over 30 feet high, but not exceeding 40 feet in height, the exterior walls may be 8 inches thick for the uppermost 20 feet and shall be at least 12 inches thick for the remaining lower portion.

311.5. Solid party and division walls of dwellings shall be not less than eight inches thick for the uppermost 20 feet and shall be at least 12 inches for the remaining lower portion. Such party and division walls, if hollow or if built of hollow clay or concrete units, shall be not less than 12 inches thick.

311.6. All walls of buildings of the dwelling house class or ordinary construction exceeding 40 feet in height shall be solid. The upper three stories shall not be less than 12 inches thick, increasing four inches in thickness for each three stories or fraction thereof below. No three-story increment shall exceed 45 feet in height.

311.7. Walls in skeleton construction shall be supported by girders at each story, and shall be not less than 12 inches thick, except that solid concrete may be 8 inches thick.

311.8. In all buildings, except dwellings, frame buildings, and skeleton construction, party walls and fire walls, which serve as bearing walls on both sides shall be not less than 16 inches thick in the upper two stories or upper 30 feet, increasing four inches in thickness for each two stories or fraction thereof below. All other fire walls shall be not less than 10 inches thick in the upper four stories or upper 50 feet, increasing 4 inches in thickness for each two stories or fraction thereof below. No two-story increment shall exceed 30 feet in height.

311.9. Reinforced concrete walls, with the steel reinforcement running both horizontally and vertically and weighing not less than one-half pound per square foot of wall, may have a thickness four inches less than that prescribed for brick walls.

311.10. Rubble stone walls shall be four inches thicker than required for brick walls.

311.11. The foundation walls of all buildings over two stories in height, except as above provided, shall be four inches thicker from footing to grade than required for the remainder of the wall.

311.12. All exterior, and division or party walls over one story high, shall extend the full thickness of top story to at least two feet above the roof surfacing of a building as a parapet and be properly coped, excepting walls which face on a street and are finished with incombustible cornices, with peaked or hipped roofs.

The parapet walls of warehouses and all manufacturing or commercial buildings shall extend 3 feet above the roof.

311.13. Fire walls shall be continuous from foundation to three feet above roof level and shall be coped.

311.14. Brick or concrete walls of buildings outside the fire limits, which under this ordinance could be of wood, may have a minimum thickness of 8 inches. Such walls shall not exceed two stories or 30 feet in height, exclusive of gable, nor shall they exceed 35 feet in length unless properly braced by cross walls, piers, or buttresses.

311.15. Clay brick used for exterior walls, chimneys or piers shall have an average compressive strength of 2,000 pounds per square inch, and an absorption not exceeding 20 per cent. Concrete, sand-lime, or other varieties of brick, used for the same purposes shall have an average crushing strength of 1,500 pounds per square inch, and an absorption not exceeding 15 per cent.

311.16. Portland cement only shall be used in the manufacture of concrete blocks. The coarse aggregate shall be of suitable material graded in size, but in no case shall the maximum dimension exceed one-fourth the minimum width of any section of the finished block. Concrete blocks shall not be used in construction until they have attained the age of 28 days, or developed the strength required in this section.

311.17. The compressive strength of building blocks shall in all cases be calculated upon the gross area of the bedding faces, no account being taken of the cellular spaces.

311.18. Hollow building tile used for exterior or party walls or piers, and designed to be laid normally with the cells vertical, shall have an average compressive strength of not less than 1200 pounds per square inch when tested with the cells vertical, and not less than 300 pounds per square inch when tested with the cells horizontal.

311.19. The average compressive strength of hollow building tile designed to be laid normally with the cells horizontal, and tested with the cells in that position, shall be not less than 700 pounds per square inch.

311.20. Hollow concrete block or tile used for exterior or party walls or piers shall have an average compressive strength of not less than 700 pounds per square inch.

311.21. Concrete blocks shall be not more than 36 days old when tested. The average strength of the blocks as here given shall be obtained by testing five blocks of average quality.

311.22. The allowable working stress on all masonry construction shall not exceed one-tenth of the required average test strength.

311.23. All walls and partitions in schools, hospitals and places of public assemblage, over one story high, and all walls and

partitions in theatres, shall hereafter be built of brick, stone, hollow or solid block, or metal lath and Portland cement plaster on metal studding, or other equivalent incombustible construction.

311.24. The mortar used for all 8-inch walls, fire walls, foundation walls, walls for skeleton construction, and all walls built of hollow building tile or concrete blocks, shall be either Portland cement mortar, or cement-lime mortar, the latter in proportions not leaner than 1 part Portland cement, one part lime, and six parts sand by volume.

Section 312. Concrete Construction.

Concrete for reinforced concrete construction shall consist of a medium wet mixture of one part of Portland cement to not more than six parts of aggregate, fine and coarse, in such proportions as to produce the greatest density.

312.1. The quality of the materials, the design, and the construction, shall be in accordance with the best engineering practice.

NOTE:--Quartz gravel or other highly silicious gravel shall not be used as an aggregate in concrete fireproofing or in reinforced concrete construction in portions of a building liable to be subjected to fire. It has been fully proven that such concrete cannot be depended upon when subjected to high temperatures.

Section 313. Protection of Ends of Wooden Beams.

The ends of all floor, ceiling, or roof beams. entering a party of fire wall from opposite sides. shall be separated by at least 6 inches of solid masonry. Such separation may be obtained by corbeling the wall, or staggering the beams, or the beams may be supported by steel wall hangers, but no wall shall be corbeled more than 2 inches for this purpose. The ends of all wooden beams which enter walls shall be cut to a level to make them self-releasing.

Section 314. Protection of Wall Openings. No openings in an interior masonry wall shall exceed 8 feet by 10 feet. If the opening be in a party or fire wall it shall have a standard automatic fire door on each side of the wall. If an opening in a fire wall is made to serve as an emergency exit, it shall not exceed 48 square feet in area, and a self-closing swinging fire door shall be substituted for one of the automatic fire doors. The total openings in a fire wall shall not exceed 25% in linear length of the wall.

314.1. Every building within the fire limits, except churches, dwellings, tenement houses, dormitories, and lodging houses, shall have standard fire door, shutters, or wired glass in incombustible frames and sash on every exterior opening above the first story, except when fronting on a street not less than 50 feet wide or where no other building is within 35 feet of such opening. The wall of a building in the same plane as that in which the opening is situated shall not be considered as coming within the intent of this rule. All openings in the side and rear walls of the first story except windows, shall be protected as prescribed in this section when within 50 feet of another building.

314.2. All exterior windows more than 75 feet above the curb shall have incombustible frames and sash glazed with wired glass.

314.3. Occupants of buildings shall close all exterior and interior fire doors, shutters, and windows at the close of business each day.

Section 315. Stairway and Elevator Shafts.

In all buildings hereafter erected, except private dwellings, which are used above the first floor for business purposes or for public assemblage, or for any purpose whatever if over three stories high, the stair shafts shall be separately and continuously enclosed by incombustible partitions. Elevator shafts in all buildings hereafter erected shall be enclosed in the same manner. The partitions shall be constructed of brick or other fire-resistive material approved by the Chief of Fire Department or other designated official. No such partition shall be less than 4 inches thick.

315.1. Except as herein stated, the stair, elevator, or hoistway shafts in all existing buildings over two stories high, in which considerable numbers of people work or are liable to assemble, shall be separately enclosed by incombustible partitions as above specified; or the shafts may be enclosed by approved hollow or solid partition blocks not less than 3 inches thick, or by 4-inch wood stud partitions covered on each side with not less than 3/4-inch of Portland cement or gypsum plaster on metal lath; or by 2-inch solid metal lath and Portland cement plaster partitions. The metal framework of such partitions shall be securely fastened to both floor and ceiling. Metal lath used for such partitions shall be of galvanized steel weighing not less than 54 ounces per square yard. Wire lath shall be not less than No. 20 gauge and sheet metal lath not less than No. 24 gauge. All such partitions erected in existing buildings shall be firestopped with incombustible material the full depth of the floor beams at each floor level.

315.2. All door openings in stair and elevator enclosures shall be protected by fire doors mounted with wrought iron or steel hardware, and shall be securely attached to the wall or partition or to substantial incombustible frames anchored thereto. If glass panels be used in such doors, they shall be of wired glass not exceeding 720 square inches in area. Interior shaft windows shall not be permitted.

315.3. Doors opening into stairway shafts shall swing in the direction of exit travel, shall be self-closing, and shall be at least 30 inches wide.

315.4. The enclosure walls for all elevator shafts shall extend at least three feet above the roof, and at least three-fourths of the area shall be covered with a skylight constructed as specified in Section 16.

315.5. If in the opinion of the Chief of the Fire Department, or other designated official, it is necessary to preserve an open elevator or hoistway in existing buildings, the floor openings

through which they pass shall be equipped with automatically closing trap doors not less than $1\frac{1}{2}$ inches thick, made of two thicknesses of matched boards. covered on the under side with tin; the trap doors when closed, shall extend beyond the openings on all sides. Such trap doors shall be protected by a substantial or gate, which shall be kept closed at all times except when in actual use.

Section 316. Skylights over Stairway and Elevator Shafts.

Where a stairway, elevator, or dumb-waiter shaft, extends through the roof and is covered by a skylight, the skylight shall be constructed with incombustible frame and sash, glazed with ordinary thin glass, and shall be protected by a galvanized steel wire screen with a mesh not exceeding one inch and the wire not smaller than No. 12 gauge. The screen shall have metal supports and be placed not less than 6 inches above the skylight. Instead of a skylight, a window may be placed in the side of the shaft above the roof which is farthest removed from a property line. The window shall have incombustible frame and sash, and be glazed with thin glass.

Section 317. Floor Lights.

Except in dwellings, all openings hereafter made in floors for the transmission of light to floors below shall be covered with glass set in metal frames and bars. The glass shall be not less than $\frac{3}{4}$ inch in thickness, and if any glass measures more than 16 square inches there shall be a rigid wire mesh either in the glass or under it.

Section 318. Light, Vent and Dumb-waiter Shafts.

In every building hereafter erected or altered, except frame buildings, all walls in accordance with the requirements for stair and elevator shafts in new buildings as specified in Section 15. The walls of dumb-waiter shafts, except those in dwellings which extend only one story above the basement or cellar, shall be of fire-resistive construction, and shall be not less than three inches thick if constructed of brick, hollow or solid partitions blocks, or of steel or wood studding and metal lath with $\frac{3}{4}$ -inch of Portland cement plaster on each side; or a 2-inch solid metal lath and Portland cement plaster wall may be permitted, if securely anchored at each floor. The material and method of construction to be as specified for stair and elevator shafts in existing buildings in Section 15.

318.1. Where a dumb-waiter shaft does not extend through the roof, the top of the shaft shall be of fire-resistive construction of the same thickness as the walls of the shaft.

318.2. All openings in dumb-waiter shafts shall be protected by fire doors mounted in incombustible frames securely anchored to the walls.

318.3. The walls of all light and vent shafts hereafter erected shall extend not less than three feet above the roof level, except that when a shaft is covered by an incombustible ventilating skylight, the walls need not extend more than two feet above

the roof. Masonry walls shall be properly coped.

318.4. When metal louvres are used for ventilating purposes, the louvres or slats shall be riveted to the metal frame.

Section 319. Roof Covering.

Every building hereafter erected within the corporate limits shall have a fire-resistive roof covering, and no existing wooden roof shall be renewed or repaired with other than a fire-resistive roof covering.

Section 320. Roof Openings.

All openings in roofs for the admission of light or air, other than those provided for in Sections 16 and 18, shall have incombustible frames and sash glazed with wired glass; or ordinary glass may be used, if protected above and below by galvanized steel wire screens with a mesh not exceeding one inch, and the wire not smaller than No. 12 gauge. The top screen shall be installed as specified in Section 16.

Section 321. Exits Required. The term floor area as used in this section shall mean the entire floor space between exterior walls and fire walls.

321.1. In every building hereafter erected, except in private dwellings, each floor area above the first shall be provided with at least two means of egress remote from each other, one of which shall be an enclosed stairway as provided in Section 15, or a doorway in a fire wall leading to another floor area separately provided with adequate stairs or other independent means of exit. Such doorway serving as an emergency exit in a fire wall shall be protected by an automatic and a self-closing fire door as specified in Section 314*. No portion of any floor of any floor area shall be more than 100 feet from a place of egress. Elevators shall not be considered as a required means of egress as specified in this section.**

***NOTE:**--As a means of rapid and safe egress from a burning building, the use of horizontal exits through a fire wall or a fire exit partition are strongly recommended. Such a partition shall be built of fire-resistive material not less than 3 inches thick, and be securely attached to the walls, floor, and ceiling of the room which it sub-divides. It shall be provided with one or more self-closing fire doors, that it, doors which are kept closed by some automatic device. Such a partition would afford an area of quick refuge upon either side. Each area must be sufficient to accommodate all the people employed upon the floor, and must be provided with at least one independent exit to the street. As above indicated, a fire wall may be made to serve the same purpose. As a means of egress, a doorway in such a partition or fire wall may be considered the equivalent of three times the same width of stairway.

****SMOKEPROOF TOWER:**--The use of a smokeproof tower or stairway is also recommended as one of the best known means of safe escape from a burning building. At the same time it furnishes

a protected position from which firemen can attack a fire on any floor. Such a tower is built entirely of incombustible materials, and has no direct openings to the interior of the building it serves. It is reached by a fireproof open-air balcony of interior open-air vestibule thus effectively excluding smoke and fire from the tower. The entrance at each floor level is protected by a self-closing fire door.

321.2. Except in dwellings, no required stairway shall be less than 44 inches wide, and in all public buildings the total width of exit doorways leading therefrom shall at least be equal to the total width of the stairways which they serve.

321.3. The total width of stairways, interior and exterior, provided for the occupancy of each floor and those above, shall be not less than 44 inches for the first 50 persons, and 12 inches for each additional 50 persons to be accommodated thereby. The stair treads shall be not less than $9\frac{1}{2}$ inches wide, and the risers not more than $7\frac{3}{4}$ inches high. Windows in such required stairways are prohibited.

321.4. Every school, hospital and theatre, over one story high, shall have at least two stairways constructed entirely of incombustible material, located remote from each other and continuous from grade line to the topmost story.

321.5. All exit doors in schools, hospitals, theatres, and other places of public assemblage shall open outward.

Section 322. Fire Stops.

At each floor level in all buildings hereafter erected, all stud walls, partitions, furrings and spaces between joists where they rest on division walls or partitions, shall be fire-stopped with incombustible material in a manner to completely cut off communication by fire through concealed spaces. Such fire-stopped shall extend the full depth of the joists and at least 4 inches above each floor level. Stair carriages shall be fire-stopped at least once in the middle portion of each run.

Section 323. Areaways.

All areaways shall be guarded with suitable railings, or be protected by incombustible covers or gratings. If gratings be used, they shall have a wire screen or not more than one-half inch mesh securely attached to the under side. Open areaways shall not project beyond the lot line.

Section 324. Frame Buildings.

No frame building hereafter erected or altered shall exceed two stories or 30 feet in height, except that private dwellings may be three stories or 40 feet high.

324.1. No frame building hereafter erected for any occupancy other than grain elevators, coal elevators and pockets, ice houses and exhibition buildings, shall cover a ground area exceeding the following: One-story building, 7,500 square feet,

two-story building, 5,000 square feet.

324.2. In no case shall a frame building be erected within three feet of the side or rear lot line, nor within six feet of another building, unless the space between the studs on such side be filled solidly with not less than $2\frac{1}{2}$ inches of brickwork or other equivalent incombustible material.

324.3. In rows of frame houses the dividing walls or partitions between houses shall be built of brick, hollow tile, concrete or other incombustible material, or they may be built with 4-inch studs, filled solidly with brick-work laid in mortar, or with other incombustible material and be covered with metal lath and plaster. Such dividing partitions shall rest on masonry walls and shall extend to under side of roof boards. A flush mortar joint shall be made between the roof boards and the wall or partition. In rows of more than three houses every alternate division wall or partition shall be constructed of solid brick work not less than eight inches in thickness.

324.4. Buildings with wooden framework clad with sheet metal or stucco or veneered with brick, shall be classed as frame buildings.

324.5. Outside the fire limits, when any building is to be erected of brick, stone, hollow block, or concrete, that could under this ordinance be constructed of wood, the Building Inspector is hereby authorized and directed to allow reasonable modifications of this ordinance relating to brick buildings, in consideration of the use of incombustible material instead of wood. Such modifications, however, shall not permit variations from the requirements of Sections 15, 21, and 26 of this chapter.

Section 325. Electrical Installations.

All electrical installations shall be in accordance with the National Electrical Code.

Section 326. High Temperature Chimneys and Stacks.

The smoke flue of every high pressure steam boiler and every appliance producing a corresponding temperature in the smoke flue shall, if built of brick, stone, reinforced concrete or other approved masonry, be lined on all sides with not less than 4 inches of fire brick laid in fire mortar for a distance of at least 25 feet from the point where the smoke connection of the boiler enters the flue.

326.1. Interior vertical smoke stacks or flues for steam boilers or other furnaces, and similar heating devices producing a corresponding temperature, may be of metal not less than No. 10 U. S. gauge, properly riveted, jointed, and braced at intervals of at least 20 feet. Such stacks shall either be enclosed by approved masonry walls not less than eight inches thick with an air space of at least four inches between lining and wall; or if such stacks or flues are not enclosed with masonry they shall have a clearance from all combustible material of not less than one-half the diameter of the stack, but not less than 24 inches, unless the combustible material be properly guarded by loose

fitting metal shields, in which case the distance shall be not less than 12 inches. Where such a stack passes through a wooden framed roof, it shall be guarded by a galvanized iron ventilating thimble extending from at least nine inches below the under side of the ceiling or roof beams to at least nine inches above the roof, and the ventilating thimble shall have a clearance of not less than 18 inches.

326.2. Exterior metal smoke stacks for steam boilers and similar high temperature heating devices, shall be of approved construction and supported on approved masonry foundations, and shall have a clearance of at least four inches from an outside incombustible wall. Such flues having an area not exceeding 255 square inches shall be constructed of not less than No. 15 U. S. gauge metal; if the area exceeds 255 square inches the metal shall be of not less than No. 10 U.S. gauge.

326.3. The smoke flue of every smelting furnace, and of every other similar device which heats the flue to an extremely high temperature, shall be built with double walls of thickness suitable for the temperature. There shall be an air space between the walls and the inside wall shall be of firebrick not less than four inches thick.

326.4. Chimneys of cupola-furnaces, blast-furnaces, and similar devices, shall extend at least 10 feet above the highest point of any roof within a radius of 50 feet, and no woodwork shall be within a radius of 30 feet of any part of any such device or its chimney.

Section 327. Ordinary Chimney Construction.

327.1. The walls of all ordinary chimneys whether the fuel used be coal, coke, wood, gas or oil, shall be built of brick, concrete, stone, hollow tile of clay or concrete, or of concrete block of such thickness, construction and flue lining as is hereafter specified, but this shall not preclude the use of a metal smoke-stack when located inside of a vent shaft having masonry walls not less than eight inches thick and having an air space between the walls and stacks on all sides, nor of metal stacks placed outside the building.

327.2. Flue linings shall be manufactured from fire clay or other suitable refractory clays, either natural or compounded, adapted to withstand reasonably high temperatures and flue gases, and shall have a softening point not lower than 1994 degrees Fahrenheit. Flue linings shall be of standard commercial thickness but not less than 5/8 inch. They shall be carefully bedded one upon another in mortar as specified in Par. 25, with all joints left smooth on the inside.

The masonry shall not be built hollow and the lining dropped inside but shall be laid up with mortar, as specified in Par. 25, around each successive length of lining as it is set. All joints and spaces between the masonry and lining shall be thoroughly slushed and grouted full as each course of masonry is laid. No cracked, broken or otherwise defective linings shall be used. They shall start from a point not less than eight inches below

the center line of smoke pipe intakes or in case of fireplaces from the apex of the smoke chamber and shall be continuous to the height required by Par. 13. No smokepipe intake shall be cut into a flue lining already set in place.

327.3. Brick chimneys shall be built of good sound brick, or may be built of perforated radial brick manufactured for the purpose and adapted to withstand high temperatures, but no other hollow brick shall be used.

327.4. The walls of brick chimneys shall be not less than 3 3/4 inches thick (width of a standard brick) and shall be lined.

327.5. Flue lining may be omitted in brick chimneys for residence buildings provided the walls of the chimneys be not less than eight inches thick, and the inner course be of fire brick or clay brick having a softening point not less than 1922 degrees Fahrenheit.

327.6. Perforated radial brick chimneys may be unlined, provided the brick have a softening point not less than 1994 degrees Fahrenheit and be not less than 7 1/2 inches in radial thickness, except that when such chimney is located inside a vent shaft having walls not less than eight inches thick, the thickness of the chimney wall may be determined by engineering design. Such brick shall be shaped to the circular and radial lines of the various sections of the shaft so as to form uniform mortar joints.

327.7. All brick work shall be laid with full, push-filled, cross and bed mortar joints and shall be struck smooth where exposed to the weather. No mortar lining shall be permitted.

327.8. Concrete chimneys cast in place shall be suitable reinforced vertically and horizontally. The walls shall not be less than 3 3/4 inches thick and shall have flue lining.

Flue linings may be omitted in reinforced concrete chimneys for private dwellings provided the walls of such chimneys be not less than six inches thick, and provided further that quartz gravel be not used as the coarse aggregate.

327.9. Special chimney blocks or bricks shall have walls not less than 3 3/4 inches thick and shall be properly lined unless eight inches in solid thickness. When more than one flue is provided in a single concrete block, it shall have suitable embedded reinforcement completely encircling the block and each of its flues shall be lined.

327.10. The walls of chimneys built of sawed or dressed stone in courses, properly bonded at corners and tied with metal anchors, shall be not less than 3 3/4 inches thick. Chimney walls of other stone shall be at least four inches thicker than required for sawed or dressed stone, but not less than 12 inches thick. All stone chimneys shall be properly bonded, or tied with non-corrodible metal anchors and shall have flue linings.

327.11. Masonry or concrete walls of buildings may form part of a chimney when the chimney walls are securely bonded into the walls of the building and when the flue is lined the same as an independent

chimney. Flues in party walls shall not extend beyond the center of the walls and their location shall be permanently indicated on the opposite side of the wall. For mortar see Par. 25.

327.12. Hollow block or building tile of clay or concrete shall not be used for the walls of an independent chimney, but may be used for chimneys built in connection with exterior and party walls of hollow units for buildings not exceeding three stories in height. The outer eight inches of such a wall may serve as the outside wall of the chimney, but the remainder of the chimney shall be constructed of two thicknesses of 4-inch block or tile set with staggered joints and having a total thickness of eight inches; or may be built of four inches of solid masonry. All such chimneys shall be properly lined.

327.13. Chimneys shall be built at least three feet above flat roofs, and not less than two feet above the ridge of gable and hip roofs or the high point of mansards, irrespective of the distance of the chimney from such obstruction to draft. Unless provided with a stone, terra cotta, concrete, cast iron or other special cap or top, the chimney lining shall project not less than 4 inches. No type of chimney top shall decrease the required flue area. For mortar, see Par. 25.

327.14. Chimneys shall be built upon concrete or solid masonry foundations properly proportioned to carry the weight imposed without danger of settlement or racking. The footing for an exterior chimney shall start below the frost line.

327.15. Chimneys in frame buildings shall always be built from the ground up, or rest on masonry basement or foundation walls. Chimneys shall not rest upon or be carried by wooden floors, beams or brackets, nor be hung or supported by metal stirrups from wooden construction.

327.16. The total offset, overhang or corbel of an independent chimney shall not exceed three-eighths the width of the chimney in the direction of the offset.

Corbeled chimneys shall not be supported by hollow walls or walls of hollow units. Solid walls supporting corbeled chimneys shall not be less than 12 inches thick, and corbeling shall not project more than one inch per course and not more than six inches in any case.

327.17. Flues shall be built as nearly vertical as possible but in no case at an angle greater than 45 degrees from the vertical. Where flues change direction, the abutting linings at the angle joints shall be cut to fit closely, and at no point shall the cross section area be reduced.

327.18. Not more than two lined flues shall be permitted in the same flue space, and the joints of any such adjoining flue linings shall be staggered at least 7 inches. When there are more than two flues in a chimney, at least each third flue shall be separated from the others by a smoke-tight wither or division wall of masonry concrete not less than 3 3/4 inches thick and bonded into the chimney walls. Each flue intended for a heating furnace or

boiler connection, or for a fireplace, shall be separated from other flues by such a with.

327.19. When any single flue has an effective area exceeding 200 square inches, the walls shall be not less than eight inches thick and shall have flue lining as previously specified, but when flues become so large as to render it impracticable to obtain fire clay flue lining, such flues shall be lined with fire brick for a distance of at least 25 feet from the point of intake.

327.20. Connections between chimney and roof shall be made with sheet metal cap and base flashing (copper recommended) arranged to allow for any vertical or lateral movement between chimney and roof.

327.21. No increase of chimney wall thickness, nor any projecting masonry, or set back, shall be permitted within a distance of six inches above or below the rafters or roof joists.

327.22. Fireplace walls shall not be less than eight inches thick, and if built of stone or hollow units, not less than 12 inches thick. The faces of all such minimum thickness walls exposed to fire shall be lined with firebrick, soapstone, cast iron or other suitably fire resistive material. When lined with four inches of firebrick, such lining may be included in the required minimum thickness.

327.23. There shall be but one connection to a flue irrespective of whether the fuel used be coal, coke, wood or oil.

Ordinary and low pressure heating devices burning solid fuels shall have a minimum effective flue area not less than the following:

Small special stoves and heaters.....	28 sq. in.
Stoves, ranges and room heaters.....	40 sq. in.
Fireplaces (at least 1/12 the fireplace opening) ..	50 sq. in.
Warm air furnaces, steam and hot water boilers.....	70 sq. in.

The construction and size of flues to be used for oil and gas fired furnaces, boilers and automatic water heater, shall be the same as required for corresponding appliances burning solid fuel.

Vent flues for nonautomatic water heaters, stoves, ranges and other domestic gas appliances having relatively small gas consumption (excepting gas plates and portable gas heating appliances) shall have a flue area of not less than 10 square inches. Such flues unless enclosed in solid masonry walls, shall be of incombustible material not less than three-fourths of an inch thick with air tight joints and shall vent through and above the roof.

327.24. Smokepipes shall enter the side of chimneys through a fire clay or metal thimble or flue-ring of masonry. The top of smoke-pipe intakes shall be set no less than 18 inches below sheet metal ceilings, wood lath and plaster or exposed wooden joists. Neither the intake pipe nor thimble shall project into the flue. No woodwork shall be placed within six inches of the thimble. When a smokepipe enters a chimney breast through a

studded-off combustible partition, the thimble shall be kept six inches clear of all woodwork and be surrounded by metal lath and plaster.

327.25. Mortar used between the joints of flue linings and in the portions of a chimney above a roof or otherwise wholly exposed to the weather shall be mixed in proportion of one part Portland cement to not more than three parts of clean sand.

Fire brick used for the lining of flues or facing the interior of fire-places shall be laid in fireclay mortar.

All mortar used in chimney construction, except as specified above, shall be not leaner than the following mix by volume; one part Portland cement, one and one-quarter parts hydrated lime, six parts clean sand thoroughly mixed to a uniform color before wetting. In lieu of hydrated lime, slaked putty lime may be dissolved in the mixing water.

327.26. After a chimney has been completed, all flues, intakes and cleanouts shall be thoroughly cleaned and left smooth on the inside.

327.27. All flues to which large ranges, heating furnaces, boilers, automatic gas water heaters or fireplaces are to be connected shall be subjected to a smoke test before acceptance, but the test shall not be made until the mortar has thoroughly seasoned. The method of test is to build a smudge fire at the bottom of the flue and while the smoke is flowing freely from the flue, close it tightly at the top. Escape of smoke into other flues or through the chimney walls indicate openings that shall be made tight before the chimney is accepted. The test shall be made by the mason contractor in the presence of the Building Inspector or other official having jurisdiction, and of the owner or his representative.

Section 329. Hot Air Pipes and Registers.

All heater pipes from hot air furnaces where passing through combustible partitions, or floors, must be doubled tin pipes with at least one inch air space between them. Horizontal hot air pipes leading from furnace shall be not less than eight inches from any woodwork, unless the woodwork be covered with loose-fitting tin, or the pipe be covered with at least one-half inch of corrugated asbestos, in which latter cases the distance from the woodwork may be reduced to not less than three inches.

329.1. No hot air pipe shall be placed in a wooden stud partition or any wooden enclosure unless it be at least five feet horizontal distance from the furnace. Hot-air pipes contained in combustible partitions shall be placed inside another pipe arranged to maintain one-half inch air space between the two on all sides, or be securely covered with one-half inch of corrugated asbestos. Neither the outer pipe nor the covering shall be within one inch of wooden studding and no wooden lath shall be used to cover the portion of the partition in which the hot air pipe is located. Hot air pipes in closets shall be double with a space of at least one inch between them on all sides.

329.2. Every hot-air furnace shall have at least one register without valve or louvers.

329.3. A register located over a brick furnace shall be supported by a brick shaft built up from the cover of the hot-air chamber; said shaft shall be lined with a metal pipe, and no woodwork shall be within three inches of the outer face of the shaft.

329.4. A register box placed in the floor over a portable furnace shall have an open space around it of not less than four inches on all sides and be supported by an incombustible border.

329.5. Hot-air registers placed in any woodwork or combustible floors shall be surrounded with borders of incombustible material, not less than two inches wide, securely set in place.

329.6. The register boxes shall be of metal, and be doubled; the distance between the two shall be not less than one inch; or they may be single if covered with asbestos not less than one-eighth inch in thickness, and if all woodwork within two inches be covered with tin.

329.7. Cold-air ducts for hot-air furnaces shall be made of incombustible material.

Section 330. Steam and Hot Water Pipes.

No steam or hot water pipe shall be within one inch of any woodwork. Every steam or hot water pipe passing through combustible floors, or ceilings, or wooden lath and plaster partitions, shall be protected by a metal tube one inch larger in diameter than the pipe, and be provided with a metal cap. All wooden boxes, or casings enclosing steam or hot water heating pipes, or wooden covers to recesses in walls in which steam or hot water heating pipes are placed, shall be lined with metal.

Section 331. Dry Rooms.

No combustible material shall be permitted in the construction of any dry room hereafter erected, in which a temperature of 125 degrees Fahrenheit or over may exist. If a temperature under 125 degrees Fahrenheit is to be used, the dry room may be constructed of wood, but it shall be lined throughout with one-eighth inch asbestos, covered with sheet metal.

331.1. If windows are placed in walls or ceilings of dry rooms they shall be of wired glass set in fixed incombustible sash and frames.

Section 332. Stoves and Ranges.

No kitchen range or stove in any building shall be placed less than three feet from any wood work of wooden lath and plaster partition unless the woodwork or partition is properly protected by metal shields; in which case the distance shall be not less than 18 inches. Metal shields shall be loosely attached, thus preserving an air space behind them.

332.1. Hotel and restaurant ranges shall be provided with a metal hood, placed at least nine inches below any wooden lath and plaster or wooden ceiling, and have an individual pipe outlet connected with a good brick flue. The pipe shall be protected by at least one inch of asbestos covering or its equivalent.

332.2. Combustible floors under coal ranges and similar appliances without legs, such as mentioned in Section 333 in which hot fires are maintained, shall rest upon six-inch foundations built of incombustible materials supported within the thickness of the floor framing. Such hearths shall extend at least 24 inches in front and 12 inches on the sides and back of the range or similar heating appliance.

332.3. All coal stoves or ranges, with legs, shall be set on incombustible material which shall extend at least 12 inches in front.

Section 333. Heating Furnaces and Appliances.

Any woodwork, wooden lath and plaster partition or ceiling within four feet of the sides or back, or six feet from the front of any heating boiler, furnace, bakery oven, coffee roaster, fire-heated candy kettle, laundry stove or other similar appliance shall be covered with metal to a height of at least four feet above the floor. This covering shall extend the full length of the boiler, furnace, or heating appliance and to at least five feet in front of it. Metal shields shall be loosely attached, thus preserving an air space behind them. In no case shall such combustible construction be permitted within two feet of the sides or back of the heating appliance, or five feet in front of same.

333.1. No furnace, boiler, range, or other heating appliance, shall be placed against a wall furred with wood.

333.2. Heating boilers shall be encased on sides and top by an incombustible protective covering not less than $1\frac{1}{2}$ inches thick.

Section 334. Open Flame Heating Devices.

All gas, gasoline, oil, or charcoal burning stoves or heating devices, shall be placed on iron stands at least six inches above combustible supports, unless the burners are at least five inches above the base with metal guard plates four inches below the burners.

334.1. No open flame heating or lighting device shall be used in any room where gasoline or other volatile inflammable fluids are stored or handled.

Section 335. Gas Connections.

Gas connections to stoves and similar heating devices shall be made by rigid metal pipes. For small portable gas-heating devices, flexible metal or rubber tubing may be used when there is no valve or other shut-off on the device.

Section 336. Vent Flues.

Vent flues or ducts, for the removal of foul or vitiated air, in which the temperature of the air cannot exceed that of the rooms, shall be constructed of metal or other incombustible material and shall not be placed nearer than one inch to any wood-work, and no such flue shall be used for any other purpose.

Section 337. Safety of Design.

All parts of every building shall be designed to safely carry the loads to be imposed thereon, and shall in all other respects conform to good engineering practice. See appendix.

Section 338. Depository for Ashes.

Depositories for ashes in the interior of any building shall be made of incombustible material.

Section 339. Inspection, Installation, Alteration and Operation of Elevators.

The Building Inspector shall cause an inspection of elevators carrying passengers or employes to be made at least once every twelve months.

339.1. And shall make regulation for the inspection, installation, alteration and operation of such elevators, and shall also make regulations for the installation, alteration and operation of freight elevators with a view to safety.

339.2. And shall also prescribe suitable qualifications for persons who are placed in charge of the running of passenger or freight elevators.

339.3. The regulations shall require any repairs found necessary to any such passenger or employes's elevators to be made without delay by the owner or lessee.

339.4. In case defects are found to exist which endanger life or limb by the continued use of such elevator, then upon notice from the Building Inspector, the use of such elevator shall cease, and it shall not again be used until a certificate shall be first obtained from the Inspector that such elevator has been made safe.

339.5. No person shall employ or permit any person to be in charge of running any passenger elevator who does not possess the qualifications prescribed therefor.

Article 5

Means of Egress

Section 401. Number and Width of Exits and Doors.

Every building except dwellings, and every story in each building above the first, shall have at least two means of exit

remote from each other; one of these shall open to a street or fire-proof passage leading to a street, and one may open to a yard or other space deemed safe by the Superintendent and of sufficient area to accommodate all persons in the building. Two means of exit remote from each other shall be provided from each story of dwellings when over three stories in height.

401.1. In every building except residences and tenement houses all required exit doors, including the doors of vestibules, shall open in the direction of travel. This requirement shall not prohibit the use of doors which swing both inwards and outwards, nor of sliding or rolling doors in stables, garages, storerooms, and the shipping and receiving rooms of manufacturing, mercantile and industrial buildings, where approved by the Superintendent.

401.2. When exit doorways have a clear width of at least 40 inches, each, the aggregate widths of such doorways shall be equal to the required width of corridor or stairway served by same. When individual doors are less than 40 inches wide, there shall be one doorway for each 22 inches of required width of corridor or stairway leading to same. Every doorway shall be at least 28 inches wide in the clear. All passageway exit doors shall swing in the direction of exit travel except in case of horizontal exits where direction of travel may be indeterminate.

401.3. All exit doors leading from rooms having an occupancy of 15 or over, shall open in the direction of exit travel, except in schools where fire drills are organized under control of the teachers.

401.4. The opening of one door shall not be permitted to obstruct another, and the area of opening of doors which open upon stairway landings or platforms shall not reduce the width of the passageway to less than the required width of the stairs.

401.5. Every room having an occupancy of more than 75 persons shall have at least two doorways remote from each other leading to exits.

401.6. Hallways or corridors at the street or court level furnishing exit from stairway shall be not less in width than the aggregate width of the required stairways which they serve. Every hallway or corridor which may serve as an exit for 50 or more persons and six inches additional for each additional 50 persons to be accommodated thereby. This computation shall be based on the number of persons in the story having the largest occupancy served by said corridor.

401.7. At all times when any loft of space is occupied for manufacturing or mercantile purposes, the fastenings or locks on exit doors shall be such as may be easily opened from the inside without the use of keys.

401.8. A clearly painted sign marked "EXIT" in letters not less than six inches in height, shall be placed over all exits in the above specified buildings. The elevators shall be provided with similar signs marked "ELEVATOR." Such signs shall be illuminated when necessary by means of artificial lighting. The color of such light shall be green.

401.9. Elevators, escalators and revolving doors shall not be considered in calculating exit requirements.

Section 402. Stairs and Stairways, Construction of.

All buildings which are used above the first floor for manufacturing or business purposes, or for public assemblage, or for any purpose whatever if over three stories or 40 feet high, except armories, court houses, dwellings, fire houses, jail, libraries, museums, police stations, prisons, railway stations, and similar buildings, shall have the required stair shafts separately and continuously enclosed. In fireproof buildings all stairs, platform, landings, and stair hallways, including, the flooring, shall be of fireproof construction. Storage of combustible material is prohibited within the stairway enclosure.

402.1. All stairs, platforms, landings, balconies, and stair hallways, shall be of sufficient strength to sustain safely a live load of not less than 100 pounds per square foot for interior construction, and 150 pounds per square foot for exterior construction, with a factor of safety of four in each case; and except in dwellings shall conform to all the requirements of this section as to hand rails, newels, landings, widths, exits, and prohibition against winding treads. The space beneath any stairway built in whole or in part of combustible material shall be left entirely open or be completely enclosed without door or other opening.

402.2. No stories in any building shall be connected by an open shaft or stairway except dwellings and buildings mentioned in first paragraph; also theatres.

402.3. Stairways used as required means of exit shall be at least 44 inches, wide between faces of walls, or 40 inches wide between faces of walls, or 40 inches wide between face of wall and an open balustrade, or between two open balustrades. All such widths shall be clear of all obstructions except that hand rails attached to walls may project not more than $3\frac{1}{2}$ inches within them, or stringpieces more than $2\frac{1}{2}$ inches. If newels project above tops of rails, a clear width of at least 44 inches shall be provided between the faces of the newel and the face of the wall or newel opposite. All stairs shall have walls or well secured balustrades or guards on both sides, and except in dwellings, shall have hand rails on both sides. A stairway of seven feet or more in width shall be provided with a continuous intermediate hand rail substantially supported. All stairs shall have treads and risers of uniform width and height throughout each flight; the rise shall be not more than $7\frac{3}{4}$ inches, and the tread exclusive of the nosing not less than $9\frac{1}{2}$ inches. Stairways exceeding 12 feet in height shall have an intermediate landing.

402.4. No arrangement of treads known as winders shall be permitted in required stairways between the level of the top floor and the street, excepting in public and other special buildings where the use and arrangement is approved by the Superintendent.

402.5. Whenever the treads or landings are of slate, marble, stone or composition, they shall be supported for their entire

length and width by a solid metal plate at least one-eighth inch thick, securely fastened. If stairs are of combustible material, other than metal, and treads and landings are each solidly supported for their entire length and width by masonry, metal supports for treads may be omitted.

402.6. All stairways that serve as required means of exit for one or more of the upper four stories of every building shall be continued their full width to the roof, and shall lead by a direct line of travel to the first story, and open directly on the street, or to an open-air or fireproof passage leading to the street. Such fireproof passage shall be not less than seven feet in height.

402.7. The continuity of all stairs which may be used for exit purposes, shall be interrupted at street level by partitions or doors or other means which will indicate the main floor level and make clear the direction of egress to the street.

402.8. Every enclosed stairway shall be provided with an adequate system of lighting, arranged to insure reliable operation when through accident or other causes the regular lighting is extinguished.

402.9. All required stairways shall be constructed in one of the following three ways, and shall be known as stair exits:

(a) Enclosed Interior Stairways. The stairs, landing, platforms, and passageways connected therewith, shall be completely enclosed by fireproof partitions except that no glass panels shall be permitted in the doors in buildings of fireproof construction.

(b) Smokeproof Tower. The stairs, landings and balconies or platforms, shall be solid and completely enclosed, and shall extend from the sidewalk, court, or yard level to and above the roof to form a bulkhead. There shall be no openings in any wall separating the stairway from the building, but fixed or automatic fire-windows sufficient for lighting purposes are not objectionable in the exterior walls, provided they are not subject to fire exposure hazard from the same or nearby buildings. Access shall be provided to the stairway from every story of the building by outside balconies of steel or masonry, or by vestibules within the walls of the building but open on at least one side. Every such balcony or vestibule shall have an unobstructed width of at least 44 inches, and shall adjoin an open space not less than 1,000 square feet in area. The balcony or vestibule shall be provided with a solid incombustible floor. Railings of steel, or other approved incombustible material, shall be provided not less than four feet high. Access to the balcony or vestibule from the building and to the stairways from the balcony or vestibule shall be by approved self-closing fire doors not less than 40 inches wide and seven feet high, which shall swing in the direction of exit travel. The doors shall be provided with locks or latches with visible fastenings requiring no keys to open them. A wired glass panel shall be provided in the door opening into the stair shaft of not less than one-third its area. The level of the balcony or vestibule floor shall be not more than 7 3/4 inches below the door sill of the building. Landings in

such stairways shall be of a width that the doors in opening into the stairway shall not reduce the free passageway of the landing to a width less than the width of the stairway.

(c) Outside Exit Stairways. Such stairs shall be connected to each story by means of an approved self-closing fire door and incombustible balcony. The door shall be not less than 40 inches wide, and the balcony shall be the same width as the stairs. All opening within 10 feet of such stairs shall be protected by approved self closing doorways, and automatic or fixed fire windows on window openings. No riser on such stairs shall be nearer than four feet to any such wall opening, except to door giving access to the same. Metal mesh or other rigid guards at least four feet high shall be provided on each side of such stairway throughout. Provisions shall be made to properly drain the stairs and landings.

Article 5

Apartment and Tenement Houses

Section 501. Class of Construction Required. Fireproof Tenements.

Every building erected or altered for use as a tenement house exceeding 55 feet in height shall be of fireproof construction.

501.1. Non-Fireproof Tenements.

All non-fireproof tenement houses erected or altered having a height of three stories or more exclusive of the cellar, or if there be no cellar, exclusive of the lowest story, shall have the first floor above the cellar or lowest story of fireproof construction.

501.2. All tenement houses erected or altered in which the first floor over the cellar or lowest story is not required to be of fireproof construction shall have the cellar ceiling protected by metal lath and plaster.

Section 502. Allowable Construction.

No apartment house of second-class construction sometimes called "ordinary" and covering the masonry wall and wood joist type of construction shall hereafter be erected exceeding three stories in height and then only if the following additional conditions are complied with:

502.1. An apartment house of four stories in height containing not more than two apartments in the fourth story, or any building containing not more than eight apartments, may be a building of the second class, if, in addition to the conditions above the following are complied with.

502.2. The entire building shall be plastered of incombustible materials from wall to wall and from floor to ceiling in each story. All hallways and stairways which are used in common by more than four families shall be inclosed in brick walls not less

than twelve inches thick, and the doors leading from such hallways and stairways to the apartments shall be fireproof with soft wood cores.

502.3. The front entrance hall up the stair enclosure shall be at least ten feet wide in the clear, the stair walls, stairways and landings and the least horizontal dimension of the space inclosed by the stairways and landings shall be as follows, to wit: for the front stairhalls, stairways and landing not less than four feet, and for the rear stairhall, stairways and landings not less than forty inches.

Section 503. Percentage of Lot Occupied.

No tenement house shall occupy, either alone or with other buildings, except as otherwise provided a greater percentage of the area of the lot than as follows:

503.1. In the case of a corner lot not more than 90 per cent.

503.2. In the case of an interior lot which exceeds 90 feet in depth, and does not exceed 105 feet in depth, not more than 70 per cent.

503.3. In the case of an interior lot which exceeds 105 feet in depth, not more than 65 per cent.

The space occupied by outside exit stairways shall not be considered a part of the lot occupied. For the purposes of this section the measurements shall be taken at the ground level, except that where such a building has no basement, and the cellar ceiling is not more than two feet above the curb level, the measurements may be taken at the level of the second tier of beams. The provisions of this section shall not apply to the tenement house running through from one street to another street, provided that the lot on which it is situated does not exceed 100 feet in depth.

Section 504. Height.

The height of a tenement house shall not exceed one and one-half times the width of the widest street upon which it stands and in no case exceed 125 feet. Pergolas or similar open ornamental treatment of roof gardens or playgrounds shall not be considered as affecting such height.

504.1 If there are pent houses or superstructures, or other than bulkheads, exceeding 10 feet in height or covering an aggregate area greater than 10 per cent, of the area of the roof, the height measurement shall be taken to the top of the highest of such pent houses or superstructures.

Section 505. Yards.

Behind every tenement house there shall be a yard extending across the entire width of the lot. Except upon a corner lot, such yard shall have an unobstructed opening from every point to the sky, except that an unenclosed outside stairway, serving as a fire-escape exit, or a bridge or platform not exceeding four

feet in width, may extend above the yard from the roof of a tenement house to the roof of an adjoining or abutting building. without prejudice to this requirement.

Section 506. Courts.

No court of a tenement house shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed, except by an outside exit stairway.

Section 507. Building On Same Lot With Tenement House.

No separate tenement house shall be erected upon the rear of a lot 50 feet or less in width where there is a tenement house on the front of the said lot, nor upon the front of any such lot upon the rear of which there is such a tenement house.

507.1. If any building is placed on the same lot with a tenement house there shall always be maintained between the said building an open unoccupied space extending upwards from the ground and across the entire width of the lot; where either building is 60 feet in height such open space shall be 24 feet from wall to wall; and for every 12 feet of increase or fraction thereof in the height of such building, such open space shall be increased one foot in depth throughout its entire width, and for every 12 feet of decrease in the height of such building below 60 feet, the depth of such open space may be decreased one foot.

507.2. No building of any kind shall be so placed upon the same lot with a tenement house as to decrease the minimum size of courts or yards as hereinbefore prescribed.

507.3. If any tenement house is erected upon any lot upon which there is already another building, it shall comply with all of the provisions of this ordinance, and in addition the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in this section, but height of the highest building on the lot to regulate the dimensions.

Section 508. Public Hallways, Width Of.

Every entrance hallway shall be at least four feet wide in the clear, from the main entrance to the stairway enclosure. If such entrance hallway is the only entrance to more than one stairway, that portion of said hallway between the entrance and the first stairway shall be increased in width one-half for each additional stairway it serves.

508.1. In all tenement houses, public hallways serving as means of egress for not more than three apartments on one floor shall be 44 inches wide in the clear; and for every additional apartment so served on such floor the width shall be increased eight inches.

508.2. In every apartment house or tenement house hereafter erected exceeding three stories and basement in height, every

public hallway, that is, a corridor not within an apartment, shall have at least one window opening directly upon the street or upon a yard or court.

508.3. One at least of the windows provided to light each public hallway or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads.

508.4. Any part of a hallway, which is shut off from any other part of said hallway by a door or doors, shall be deemed a separate hall or separate hallway within the meaning of this Section.

508.5. In every apartment house and tenement house hereafter erected not exceeding three stories and basement in height where the public hallway is not provided with a window opening directly to the outer air, sash doors admitting light to the public hallways from the apartments shall be provided.

Section 509. Stairways.

In every tenement house all stairways shall extend from the entrance floor to the roof, and the stairs shall be at least 44 inches wide in the clear. Each apartment in every story shall have direct access to such stairways.

509.1. Each stairway shall have an exit to the street at the level, or to a court or yard which connects directly with the street.

509.2. In non-fireproof tenement houses no closet of any kind shall be constructed under any stairway leading from the entrance story to the upper stories, but such space shall be left entirely open and free from incumbrance.

Section 510. Stairways, Number of.

Every tenement house containing not more than twenty apartments or suites of rooms above the entrance floor shall have at least one interior stairway, and for every additional twenty apartments or fraction thereof, one additional stairway shall be provided. If such house contains not more than thirty apartments above the entrance floor, in lieu of an additional stairway, the entrance hallway and stair hallway may each be made one-half wider than specified in Section 508.

Section 511. Cellar and Basement Stairways.

In tenement houses cellar and basement stairways may be located inside the building, but shall not be located underneath the stairs leading to upper stories; this prohibition shall not apply where the basement is the main entrance floor of the house.

511.1. In every tenement house there shall be an outside entrance to the cellar or other lowest story.

Section 512. Rooms, Lighting, and Ventilation of.

In every apartment house or tenement house hereafter erected every room except water-closet compartments and bathrooms, shall

have at least one window opening directly upon a yard or court.

Section 513. Chimneys or Fireplaces.

In every apartment house and every tenement house there shall be adequate chimneys running through every floor, with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys for every apartment.

Article 6

Signs and Billboards

Section 601. Wooden Signs or Billboards.

Wooden signs or billboards may be permitted as follows:

601.1. When not exceeding 14 feet in height above the curb level, with a clear space of not less than three feet between the bottom of the sign or billboard and the ground. Such signs or billboards shall be securely attached to posts or other supporting structure and shall be located entirely within the lot lines.

601.2. When not exceeding two feet in height and fastened flat against the wall of a building, or in front of or on top of the cornice over a first story show window, or on top of a wall of the building.

601.3. When exceeding two feet in height but not exceeding 40 square feet in area and fastened flat against the wall or a building ,

601.4. All signs attached to a building shall be fastened directly to the walls by well secured metal anchors.

Section 602. Other Signs and Billboards.

All signs or billboards within the fire limits which project horizontally from the respective buildings over the public sidewalks should be properly and safely secured to the respective buildings at a minimum height of seven and one-half ($7\frac{1}{2}$) feet above the sidewalk, and shall be illuminated by electric lights built into and made a part of such signs or billboards. All such signs and billboards shall be entirely constructed of incombustible materials, including all supports and braces for same. The owner of each sign or billboard shall carry liability insurance in the minimum amount of five thousand dollars (\$5,000) for the protection of pedestrians and other persons against injury resulting from such signs or billboards. No signs or billboards shall be hereafter installed without a permit obtained from the City Council.

Wooden supports or braces shall not be permitted.

Section 603. Sky-Signs.

Any letter, word, model, sign, device or representation in the nature of an advertisement, announcement or direction,

supported or attached wholly or in part over or above any wall, building or structure, shall be deemed to be a sky-sign. Except as herein specified sky-signs shall be constructed entirely of metal, including the support and braces for same, and no sky-sign shall project beyond the building line.

Section 604. Supported Sky-Signs.

Within the fire limits no sky-sign shall be supported anchored or braced to the wooden beams or other framework of a building which is over three stories high.

Section 605. Projecting Sky-Signs.

No sign attached to the side of a building or structure fronting upon a public thoroughfare shall project more than five feet outside the building line.

Section 606. Sky-Signs Shall Be Set Back.

Sky-signs shall be set back at least eight feet from the cornice or wall on a street front, shall not project more than 25 feet above the roof of a building, and shall have a space at least six feet in height between the bottom of the sign and the roof.

All such signs shall be designed to withstand a wind pressure of at least 30 pounds per square foot of surface.

Section 607. Obstructing Signs or Billboards.

No sign or billboards shall be so constructed as to obstruct as to obstruct any door, window or fire-escape, on any building.

Section 608. Permission for Erection.

Before the erection of any sign or billboard shall have been commenced, a permit for the erection of the same shall be obtained from the Inspector. Each application for the erection of any sign or billboard shall be accompanied by a written consent of the owner or owners, or the lessee or lessees of the property on which it is to be erected.

Section 609. Application.

This section shall apply to all signs hereafter erected whether placed upon new or existing buildings.

Article 6

Alignment and Grade

Section 701. Application for Lines and Grades.

No person shall proceed to erect or make alterations in the location or grade of any fence, wall or building which is to abut on any public street, lane, and grades of the street, lane,

square or alley upon which he intends to build. Such application shall be made in writing at least fifteen days before the work is begun, and the engineer shall, within such time, furnish the required lines and grades without charge, if it be in his power to do so. In default of such application, such persons shall be held to have waived all claims to damages resulting from such default.

Section 702. Encroachment Upon Street Lines.

Whenever the city engineer ascertains that any structure, placed in violation of the preceding section encroaches upon the limits of the street, lane, square or alley upon which said structure abuts, he shall forthwith notify the Building Inspector, who shall issue an order to the party offending, directing that the structure be removed within a time specified, and in case of non-compliance action shall be taken as in the other cases of violations of this Chapter.

Section 703. Projections Over Street Lines.

Water tables, window caps and sills may project into or over any public street, way or square not more than one inch, and cornices may project not more than five per cent of the width of the street, way or square which it overhangs, if such street, way or square is less than forty feet wide, but in no case shall any cornice project more than three feet over any public street, way or square. The method of construction shall be such as the Inspector shall approve.

703.1. No bay or oriel window or other structure, except as hereinbefore provided, shall be placed upon any building so as to project into or over any public street, way or square without the permission of the City Council, given after due notice and hearing, and the method of construction shall be such as the Inspector shall approve; but in no case shall any bay window be projected more than three feet over any public street, way or square.

Article 8

Drainage From Roofs

Section 801. Pitch of Roofs.

No building hereafter erected or altered as regards the roof shall have any part of the roof pitched toward a public street or sidewalk in such a manner as to make likely the depositing of snow slides upon such public street or sidewalk in the opinion of the Inspector.

Section 802. Leaders, Conductors or Down-Spouts.

All buildings fronting on a street or alley shall be provided with metallic leaders for conducting the water from the roof or marquise to the sewer, street, gutter, or dry-well, in such a manner as shall protect all walls and foundations from damage therefrom. In no case shall water from such roofs or the roofs of existing buildings be allowed to flow upon any public sidewalk,

and in case leaders, conductors, or down-spouts upon existing buildings are so arranged as to deposit water upon any public sidewalk, they shall be connected to the sewer or shall be altered in such a manner as to prevent flow upon any public sidewalk and in such a manner as will not damage any wall or foundation in the opinion of the Inspector.

Article 9

Garages

Section 901. Definition.

The word "garage" whenever occurring in this ordinance shall mean a building or any part thereof, in which there shall be housed or kept one or more self-propelled vehicles, or automobiles, containing inflammable liquid for fuel or power, also every other part of any such building, and every building attached thereto, which is not separated from the building or part thereof first above mentioned by an unpierced fire wall.

Section 902. Classes.

For the purposes of this ordinance garages are classed as follows:

Class A--Private Garages

Class B--Public Garages

Section 903. Class A: Private.

A private garage is one in which there shall be housed or kept not more than three self-propelled vehicles, or automobiles. The following regulations shall govern the construction and maintenance of all private garages:

903.1. Gasoline in excess of five gallons, exclusive of that in the tanks, or vehicles in storage, shall not be kept within any private garage. That quantity or less shall be kept in a 5-gallon can approved by the Chief of the Fire Department, and any quantity in excess of five gallons shall be kept only in a tank or tanks placed not less than three feet beneath the surface of the ground and approved by the Chief of the Fire Department.

903.2. No private garage shall be erected or used as such nearer than 15 feet to any church, public building or nearer than six feet to any other building, occupied in whole or in part as a dwelling, unless same be constructed of brick, concrete or other non-combustible material, when the same may be erected or used if not nearer than 10 feet to any church or public building.

Section 904. Allowable Location Near or Under Dwelling.

A private garage may be located beneath or attached to a dwelling, provided the following regulations as to its construction are rigidly complied with:

904.1. The floor and ceiling construction above the garage when it is located beneath the building, or the roof when the garage is attached to the building, shall be unpierced and shall have a fire-resistance of one hour based upon the Standard Specifications for Fire Tests for Materials and Construction.

904.2. Walls and partitions shall be of such construction as will meet requirements of the one-hour test as above specified. NOTE:---A minimum type of floor and ceiling construction which it is believed will meet the requirements of the specified test would be constructed as follows:

(1) Two inch floor joists spaced on not less than 16 inch centers and properly bridged. Overhead flooring double, or 7/8-inch rough and finished floor boards with a layer of asbestos floor felt between. Ceiling of heavy metal lath and Portland cement or gypsum plaster not less than 3/4-inch thick. The metal lath to be attached to the joists by six penny nails driven nearly home and heads turned over against the lath, also by strands of No. 8 annealed wire looped over each third joist engaging the lath at bottom of joist and twisted to place. These loops to be spaced at intervals of two feet along the joists. The lath to be bent down six inches along the walls on all sides and securely attached to same.

(2) For walls and partitions any construction meeting the test qualifications should be approved. In absence of test records, proving that less thickness of material may be employed the following may be accepted: Brick, hollow tile, concrete block or gypsum block, four inches thick, or reinforced concrete three inches thick. The foregoing incombustible constructions are recommended.

(3) The minimum construction meeting the requirement for walls would be a back-plastered Portland cement stucco on heavy metal lath attached to wooden studs spaced on 16-inch centers with metal lath and 3/4-inch Portland cement or gypsum plaster on the inside surface.

(4) For partitions, 3/4-inch Portland cement or gypsum plaster on metal lath on each side of stud construction as above specified may be accepted as fulfilling the requirement.

904.3. All doors and windows with their sash and frames shall be of standard fire-proof construction and glazed with wired glass.

904.4. Openings from dwellings into garage shall be restricted to a single doorway; such openings shall be protected by a standard swinging self-closing fire door with approved fire-resistive frame and hardware. No glass shall be permitted in such door.

904.5. When doorway connects directly with a cellar or basement on the same or lower level in which there is any heating device or gas fixture, it shall have a sill raised at least one foot above the garage floor level; or the doorway shall lead into a vestibule from which a second door connects with the cellar or basement.

904.6. Garage floors shall be of concrete or equal fire-resistive and impervious material and shall have a slope sufficient to permit natural drainage of gases, oil and water to the outside.

904.7. Separate means of exit from all dwelling quarters in such buildings shall be provided; such exits shall be separated from the garage section by a partition having a fire resistance of one hour based upon the Standard Specification for Fire Tests of Materials and Construction. The Building Inspector shall also have the power to require the construction and maintenance of outside stairways or fire escapes wherever he shall deem the same essential for safe exit in case of fire.

904.8. There shall be no stove or forge in any private garage except in a heating room thereof, which heating room shall be separated from every other part of the garage by partitions having one hour fire resistance fitted tightly to floor and ceiling. There shall be but one door to such heating room, which door, unless opening from the exterior, shall be a self-closing standard fire door closing against a sill not less than 12 inches above the floor at the foot of the door.

904.9. There shall be no pit in any floor. There shall be no smoking in any private garage, nor shall there be any artificial light other than incandescent electric light.

904.10. No permit shall be required for the maintenance of a private garage, but each of the same shall be under the direct supervision of the Chief of the Fire Department and shall be frequently inspected.

Section 905. Class B: Public.

A public garage is any garage not included in Class A. No public garage shall be constructed, or maintained or used as such until a permit therefor has been granted by the Chief of the Fire Department and by the Building Inspector. The following regulations shall govern the construction of and maintenance of all public garages.

905.1. No public garage shall be located or maintained within 50 feet of any school, place of assemblages or place of detention.

905.2. No public garage shall be maintained in any frame building used in part as a dwelling within the fire zone.

Section 906. Construction.

A public garage shall have enclosing walls of masonry, concrete or reinforced concrete or reinforced concrete. Every window exposing any building within 50 feet shall have a standard metal frame and sash glazed with wired glass. All elevators, stairways and ramps shall be enclosed with fire-resistive material and every opening in such elevators or stairway enclosure protected by automatic fire door.

906.1. Exposed steelwork shall be permitted in roof supports only. All floors shall be of fire-resistive construction, with an impervious surface and designed to carry safely the loads imposed. Wooden roof or floor supports shall be of mill type, or of built-up truss construction with no wooden members less than 2x8 inches (nominal size) in minimum dimension.

906.2. A garage exceeding 50 cars storage capacity on any one floor and with unprotected steel or wooden roof supports or wooden floor supports shall be protected by an automatic sprinkler system.

Section 907. No Pits.

No pits shall be permitted. No room used for storage shall be permitted below a grade which will prevent natural ventilation at the floor level.

Section 908. Gasoline Storage.

908.1. All storage of gasoline shall be in underground tanks; provided however, that there may be in each garage one or more approved portable wheeled tanks, each of a capacity not exceeding sixty gallons, to be used for transferring such liquid from the storage tank; the number of these wheeled tanks shall be fixed for each garage by the Chief of the Fire Department. The reservoirs of motor vehicles shall be filled directly through hose from pumps attached to such portable tanks, or by hose coupled to permanent filling stations connected with the main storage tanks. No transfer of gasoline in any garage shall be made in any open container. Hose for use in connection with the portable tank shall be of such design and material as to prevent leakage.

908.2. Storage tanks for gasoline shall be buried as such points as shall be directed by the Chief of the Fire Department and the Building Inspector. The top of each tank shall be at least three feet below the surface of the ground and below the level of the lowest pipe in the building to be supplied. Tanks may be permitted underneath a building, if buried at least three feet below the lowest floor. Tanks shall be set on firm foundations and shall be surrounded by soft earth or sand well tamped into place, or encased in concrete. A tank may have a test well, provided it extends to near the bottom of tank, and its top shall be hermetically sealed and locked, except when necessarily open. When a tank is located underneath a building its test well shall extend above source of supply. The limit of tank storage capacity permitted shall depend upon the location of tanks with respect to the building to be supplied and adjacent buildings, as follows:

(1) Unlimited capacity if lower than any floor, basement, cellar or pit in any building within a radius of fifty feet.

(2) 20,000 gallons total capacity if lower than any floor basement, cellar or pit in any building within a radius of thirty feet.

(3) 5,000 gallons total capacity if lower than any floor basement, cellar or pit in any building within a radius of twenty feet.

(4) 1,500 gallons if not lower than every floor, basement, cellar or pit in any building within a radius of ten feet, in which case it shall be entirely encased in six inches of concrete.

908.3. Except existing tanks in good condition, all tank below ground as permitted by this ordinance shall be made of basic open hearth steel or wrought iron of a minimum gauge, depending upon the capacity or size as given in the following table:

Capacity	Minimum Thickness
1 to 560 gallons	No. 14 BWG
560 to 1,100 gallons	No. 12 BWG
1,100 to 4,000 gallons	No. 7 BWG
4,000 to 10,500 gallons	1/4 inch
10,500 to 20,000 gallons	5/6 inch
20,000 to 30,000 gallons	3/8 inch

Tanks shall be reveted, welded or brazed and shall be soldered, caulked or otherwise made tight in a mechanical and workmanlike manner, and if to be used with a pressure discharge system shall safely sustain a hydrostatic test at least double the pressure to which each tank may be subjected. Top of each tank shall be securely fastened top ring with joints of equal tightness to those between rings. Every tank shall be covered with asphaltum or other rust-preventing paint or coating. All pipe connections shall be made through flanges or reinforced metal, securely riveted, welded or bolted to tank and made thoroughly tight.

908.4. All underground storage systems, in which the tank shall contain inflammable gases, shall have at least a one-inch vent pipe running from top of tank to a point outside of the building and acceptable to the Chief of the Fire Department and to the Building Inspector, and which shall end at least 12 feet above level of source of supply and in a location remote from fire escapes and never nearer than three feet, measured horizontally and vertically to any window or other opening; the tank vent pipe shall terminate in a gooseneck, protected at its outer end by a 30x30 mesh, or equivalent, brass wire screen, or by a combined vent and filling pipe, so equipped and located as to vent the tank at all times even during filling operations. The vent pipes from two or more tanks may be connected to one upright, provided they be so connected at a point at least one foot above level of source of supply.

908.5. All drawing-off pipes terminating inside of any building shall have valves at the discharge ends.

908.6. The end of the filling pipe for every underground storage tank shall be carried to an approved location outside of any building, but not within five feet of any entrance door, or cellar opening and shall be set in an approved metal box with cover, which shall be kept locked except during filling operations; this filling pipe shall be closed by a screw cap. A 30 x 30 mesh, or equivalent brass screen strainer shall be placed in the supply end of the filling pipe.

908.7. Liquids shall be drawn from tanks by pumps so constructed as to prevent leakage or waste splashing, or by some other system approved by the Chief of the Fire Department and by the Building Inspector, with controlling apparatus and piping so arranged as to allow control of the amount of discharge and prevent leakage or discharge inside the building by any derangement of the system. When inside of a building the pump or other drawing-off device shall be located on the grade floor, preferably near an entrance or other well-ventilated place.

Section 909. "No Smoking".

Smoking shall not be permitted in any public garage, and in every public garage signs to that effect shall be prominently displayed in three or more places. Such signs shall have the words "No Smoking" in red letters at least four inches high on white background, also the words "By Order of the Chief of the Fire Department" in black letters at least one inch high.

Section 910. No Inflammables on Floor.

In no instance shall gasoline or other volatile inflammable liquid be allowed to run upon the floor or to fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or wasted oils.

Section 911. Extinguishers.

In every public garage two or more approved chemical fire extinguishers and four or more pails of sand shall be kept convenient for quick use in case of fire.

Section 912. No Stove.

No stove, forge, torch, boiler or other or other furnace, flame or open fire, nor any electric device, dynamo or motor nor any artificial light except incandescent electric lights shall be permitted or used in any public garage. All electric work shall be first approved by the electrical inspector.

Section 913. Calcium Carbide.

Calcium carbide shall be kept in air-tight boxes or packages in water-tight container, placed at least two feet above the floor level and no greater quantity than one hundred pounds of such carbide shall be kept in any one garage except by special permission in writing signed by the Chief of the Fire Department.

Section 914. Cleanliness.

All public garages shall be swept frequently and be kept clean.

Section 915. Permit May Be Revoked.

The Chief of the Fire Department and the Building Inspector are hereby authorized to jointly revoke any permit for the maintenance of a public garage whenever in their judgment any

violation of any of the foregoing rules and regulations warrants such revocation, but only after a fair and impartial hearing shall have been accorded the holder of the permit, before the City Council.

Article 10

Private Fire Protection

Section 1001. Standpipes for Private Protection.

1001.1. In all new buildings, and in existing buildings as may be ordered as necessary by the Fire Chief and Building Inspector, of three stories and higher, except as given below, there shall be provided a standpipe not less than two inches in diameter, with water supply constantly maintained or furnished automatically with the opening of a hose valve.

Exceptions:

Building equipped with inside standpipe for fire department use and having also $1\frac{1}{2}$ inch connections with hose attached, and automatic water supply, all as provided in Sections 2, 3 and 4 of this chapter;

Dwellings;

Churches;

Other buildings having maximum undivided fire section of less than 2,500 square feet area and provided with at least one $2\frac{1}{2}$ gallon approved chemical extinguisher to each fire section; Sprinklered buildings where the requirements of this section are met by connecting hose to sprinkler riser.

1001.2. Supply shall be from one of the following sources:
Street main, where pressure is sufficient to maintain not less than 25 pounds at hose outlet in top story;
Gravity tank of 2,500 gallons capacity, with bottom 25 feet above outlet in top story;
Pressure tank of 3,750 gallons capacity, located in top story or on roof;
Automatic pump of at least 250 gallons a minute capacity.
Provided, that if standpipe is intended also for fire department use, tank for pump capacity shall be at least double that given above.

1001.3. Where a standpipe is connected to fire pump or provided with Siamese connection, a straight-way check valve shall be provided in connection pipe to tank, and tank filled by a separate pipe; and where the water in such tank is also used for house supply, the house supply pipe shall extend above the bottom of the tank to such a height as will reserve for fire purposes not less than the quantities required in paragraph 2.

1001.4. Standpipe shall extend from the cellar to the roof with a $1\frac{1}{2}$ inch hose connection and gate valve not over five feet above floor level, in each story, including cellar and roof.

Hose sufficient to reach to all parts of the fire section, but not in excess of 100 feet, shall be attached to each outlet; hose for roof outlet may be placed on rack in top floor near the scuttle leading to the roof. Hose shall be $1\frac{1}{2}$ inches in diameter of one hundred fifty pounds test pressure and provided with nozzle having $\frac{1}{2}$ -inch discharge outlet.

Section 1002. Sprinklers.

In all new buildings, and in existing buildings as may be ordered as necessary by the Fire Chief and Building Inspector, and approved automatic sprinkler system, so constructed as to protect every square foot of floor area, shall be provided as follows:

1002.1. In every cellar, basement or sub-basement, including spaces under sidewalks used for the manufacture, sale or storage of combustible goods or merchandise.

Exception: Public and residence buildings, except such portions of cellars, basements and sub-basements as are used for storage purposes or as workshops.

All buildings outside the fire limits and with basement section of less than 2,500 square feet area.

1002.2. Throughout all business buildings where the height exceeds five stories, except that in office buildings such system shall be required only in sample, shipping, storage or stock rooms which exceed 1,000 square feet area and contain combustible goods or supplies not stored in enclosed, fire-resisting shelving.

1002.3. Throughout business buildings over two stories high, used for the manufacture, sale or storage of combustible goods merchandise, if within 50 feet of other buildings having unprotected wall openings or if in non-fireproof buildings.

1002.4. Over all heating furnaces or boilers in public and residence buildings unless in fireproof rooms, except dwellings.

1002.5. Sprinkler installations shall be a kind approved by the Underwriters' Laboratories, Inc., of Chicago, or by the Associated Factory Mutual Laboratories, of Boston.

Article 11

Fireproof Construction and Fireproofing.

Section 1101. General Requirements for Fireproof Buildings.

1101.1. The walls of every fireproof building shall be constructed as specified in Chapter 4, Sections 10 and 11. The floor and roof construction shall conform to the construction and test requirements specified in Parts 2 and 3 of this section.

1101.2. The space between the floor arches or slabs and the floor finish shall be solidly filled with concrete. The filling beneath wooden flooring shall be made flush with the under side of the floor boards.

1101.3. Except as permitted in Chapter 5, all shafts and public hallways shall be enclosed and separated from the rest of the floor space by fire-resistive enclosures, and shall have floor surfaces and trim of approved incombustible material. The stairs and stairway landings shall be of approved incombustible material.

1101.4. No woodwork or other combustible material shall be used in the construction of any fireproof building, except wooden floor sleepers, grounds, bucks, and nailing blocks when entirely embedded in incombustible material; also the finish flooring, and all doors and windows when not otherwise specified, with their frames, trim, and casings; also interior finish when backed solidly with fireproof material, may be of wood. Wooden wainscotings more than three feet high, or wooden ceilings shall not be permitted.

1101.5. Exterior wall openings shall be protected by fire doors or fire windows.

Section 1102. Fireproofing, Floor and Roof Construction.

1102.1. Fireproof construction between steel floor or roof beams, shall consist of segmental arches of brick or concrete, or of segmental or flat arches of hollow building tile, or reinforced cinder, stone, or gravel concrete; or of such other equally fire-resisting material or construction as may be approved by the Inspector.

1102.2. All segmental arches shall have a rise of $1\frac{1}{4}$ inches to the foot of span. Steel tie-rods of proper size, spacing, and location shall be used in all arches to properly resist the thrust. Such tie rods shall be completely encased to a depth of at least two inches in fireproofing material which shall extend into and be anchored to the arch.

1102.3. The spacing of floor or roof beams in fireproof construction shall not exceed eight feet on centers except when the slabs between them are composed of reinforced stone or gravel concrete.

1102.4. Brick Arches. Segmental arches of brick shall have a thickness of not less than four inches for spans of five feet or less, and eight inches for spans exceeding five feet and not exceeding eight feet. Brick arches shall be composed of good, hard, common or hollow brick. The brick shall be laid to a line on the centers and properly and solidly bonded; each longitudinal line of brick shall break joints with the adjoining lines. The arches shall spring from suitably designed solid skewbacks made of the same materials as the arches, and be properly keyed. The brick shall be well wet before laying, and the joints solidly filled with mortar.

1102.5. Hollow Building Tile Arches. Hollow building tile used for floor or roof arches shall be hard burned or semi-porous and of uniform density and hardness. All hollow building tile arches shall be properly keyed. The key blocks shall always be placed within the middle third of the span.

Segmental arches shall have sufficient depth between the top and bottom faces to carry the load to be imposed, but not less than six inches. The tile shall have at least two cellular spaces in depth.

Flat arches shall have a depth of not less than $1\frac{3}{4}$ inches for each foot of span between the beams, this not to include any portion of the depth of tile that projects below the under side of the beams. The total depth shall in no case be less than nine inches, and the tile shall have not less than three cellular spaces in the depth.

The shells of arch blocks shall be not less than $\frac{3}{4}$ -inch in thickness, and the webs shall be not less than $\frac{5}{8}$ -inch in thickness. Every arch block shall have at least one continuous vertical internal web for each four inches in width. There shall be rounded fillets at all internal intersections. The skewbacks of all hollow tile arches shall be of such form and section as to accurately fit the beams and properly receive the thrust of the arches, and shall have shells at least one inch thick, and webs not less than $\frac{3}{4}$ -inch thick.

The safe working load on hollow building tile arches shall be determined by design. The allowable extreme fibre stress in compression in hollow clay floor tile shall be taken as 500 pounds per square inch on net section.

1102.6. Concrete Arches and Slabs. All segmental arches or flat slabs of reinforced concrete shall be designed and constructed in accordance with the requirements of this section.

1102.7. Roofs. Hollow clay or concrete tile, or solid gypsum blocks, may be used for fireproofing between the steel frame-work of room construction; but such tile or blocks shall be not less than three inches thick, and the supporting steel members shall be spaced not more than 25 inches on centers. When solid blocks or tile are properly reinforced to resist the bending stresses, the steel supporting members may be spaced not to exceed 30 inches apart. The bottom flanges of steel members shall be protected as provided in Section 3, paragraph 6 (a).

Section 1103. Fireproofing, Protection of Structural Members.

1103.1. Protection of Wall Columns. All columns which support steel girders carrying exterior walls, and all columns which are built into walls and support floors only, shall be protected against corrosion by a coating of Portland cement mortar at least $\frac{1}{4}$ -inch thick, and against moisture and fire by a casing of masonry, which shall be not less than four inches of brick or three inches of concrete on all surfaces; all to be well bonded into the masonry of the enclosing walls.

1103.2. Protection of Wall Girders. The wall girders shall have a casing of Portland cement mortar and the same masonry protection as required for wall columns, all to be securely tied and bonded; but the extreme outer edge of the flanges of beams, or plates or angles connected to the beams may project within two inches of the outside surface of such casing. The inside surfaces of the girders shall be similarly protected by masonry, or if projecting inside the walls, they shall be protected by concrete, terra cotta, or other approved fireproof material not less than two inches thick.

1103.3. All metal structural members which support loads or resist stresses, other than those provided for by the two preceding paragraphs, shall have a protection of fireproofing as herein specified. The protection material shall be brick, concrete, hollow tile, or gypsum block. Clay building tile may be solid or hollow and neither shells nor webs shall be less than 5/8-inch thick; gypsum blocks shall be solid and of quality approved by the Inspector. Plaster shall not be considered a part of any required fireproofing for metal structural members except where specifically mentioned as such.

1103.4. All bricks or blocks used for fireproofing shall be set in Portland cement mortar, except that gypsum blocks may be set in gypsum mortar.

1103.5. Interior Columns.

(a) The protection shall cover the columns at all points to a thickness of not less than three inches and be continuous from the base to the top of the column. The extreme outer edges of lugs, brackets, and similar supporting metal may project to within one inch of the outer surface of the protection.

(b) If brick or blocks are used for fireproofing columns they shall be accurately fitted, laid with broken joints and all spaces between the outside layer and the metal solidly filled with masonry, or a concrete filling may be used. No voids between the metal and the protecting casing shall be permitted.

(c) Galvanized steel wire not smaller than NO. 12 gauge shall be securely wrapped around block column covering so that every block is crossed at least once by a wire. The wire shall not be wound spirally around the column but each turn or band shall be a separate unit and shall be twisted tightly or otherwise securely bound. Other equivalent anchorage may be employed if approved by the Inspector. No block used for this purpose shall exceed 12 inches in vertical dimension.

(d) Columns located in damp places shall receive a coat of at least one inch of Portland cement mortar before application of the fireproofing.

(e) Columns made of steel or wrought iron pipe filled with concrete, shall be protected by at least $1\frac{1}{2}$ inches of fireproofing.

(f) Where the fireproofing of columns is exposed to damage from trucking or handling of merchandise the fireproofing shall be jacketed on the outside for a height of not less than three feet from the floor with metal or other approved covering.

1103.6. Protection of Steel Girders and Beams.

(a) The protection of the webs and bottom flanges of girders, and all members of trusses shall have a thickness of not less than two inches at all points. The protection of the webs and bottom flanges of beams, lintels, and all other structural members shall be not less than $1\frac{1}{2}$ inches at any point.

(b) If hollow building tile be used for protection, the lower flanges of beams and similar members shall be encased either by lugs which form part of the skewbacks and extend around the flanges meeting at the middle, or by tile slabs held in position by dove-tailed lugs projecting from the skewbacks. In either case care shall be taken to insure that all joints be solidly filled with mortar.

1103.7. Concrete protection for all structural members shall be held in position by suitably designed interior steel anchors hooked securely around the flanges or angles of the members, at intervals not exceeding eight inches apart, these anchors shall be not less than 1/8-inch in thickness if flat or 1/10-inch in diameter if of wire, and shall be located at a distance not less than 3/4-inch, nor more than one inch from the outside surface. Provision shall be made to prevent displacement of anchors while concrete is being deposited. When the flange width of steel members exceeds six inches, the wire used for anchoring the concrete protection shall be not less than 1/8-inch diameter.

1103.8. Steel angle or channel struts or other structural framing not elsewhere provided for, which are used for support in any wall, partition, or other construction shall be fireproofed as required in this section.

1103.9. Metal fronts on the exterior of buildings over one story high shall be backed up or filled in with masonry not less than eight inches thick.

Section 1104. Miscellaneous Fireproofing Provisions.

1104.1. Defective or damaged fireproofing materials shall not be used. All fireproof construction injured or damaged after being erected shall be repaired to the satisfaction of the Inspector before any filling or finish is placed over same.

1104.2. No pipes, wires, cables or other material shall be incased within or embedded in the required fireproof protection of columns or other structural members.

1104.3. All metal lath and plaster ceilings shall be supported by hangers or clamps attached to the floor or roof construction in an approved manner. Such supports shall be of such section and weight as will support the wet plaster without deflecting more than 1/30-inch per foot of span.

1104.4. All studding for metal lath partitions or wall furring shall be made from steel stock weighing not less than 0.5 of a pound per lineal foot, shall be spaced not over 16 inches center to center and shall be securely fastened to the floor and ceiling construction.

1104.5. Metal lath shall be of galvanized steel weighing not less than 54 ounces per square yard. Wire lath shall be not less than No.24 gauge. Metal lath shall be laced to the supporting furring or studs at intervals not exceeding six inches.

1104.6. After floors are constructed no opening greater than two square feet shall be cut through them unless suitable metal

framing or reinforcing is provided around the openings around them shall be filled in solidly with fireproofing material unless approved close fitting individual sleeves are provided.

Section 1105. Protection of Metal Structural Members in Non-Fire-proof Buildings.

Steel girders and steel or iron columns which support masonry walls, other than those facing upon a street, shall be protected by at least one inch of metal lath and cement plaster or its applied in the manner specified in Section 3; or by two inches of metal lath and cement plaster; or of other approved incombustible materials. air space between them. All other iron or steel columns shall be protected by at least one inch of metal lath and cement plaster or its equivalent. The lath shall be of quality specified in Section 1104. paragraph 5.

Section 1106. Partitions in Fireproof Buildings.

1106.1. In fireproof buildings, all partitions enclosing public halls or separating the spaces occupied by different tenants, and all other permanent partitions, shall be built not less than four inches thick, of solid or hollow brick, building tile, concrete, or gypsum blocks or tile; or not less than three inches thick of reinforced concrete of solid metal lath and cement plaster; or of other approved incombustible materials. The required thickness for block or tile partitions shall be exclusive of plaster. All such partitions shall be securely fastened to the fireproof construction of the floor and ceiling. All bricks, blocks, or tile shall be laid with broken joints.

1106. 2. All partitions not enumerated above shall be of incombustible materials, except for woodwork permitted in Section 1, paragraph 5.

1106.3. All partitions in fireproof buildings shall be independently supported at each floor level, and where lateral support is not sufficient they shall be stiffened by such steel reinforcement encased in the construction as the Inspector may require and approve.

1106.4. Structural steel members necessary for supporting a partition, or for framing doorways or other openings through it, shall be protected by at least one inch of fireproofing. Cement plaster or cement-tempered plaster may be accepted for this purpose if properly keyed.

1106.5. Reinforced concrete for partitions shall be as required in Section 12 of Chapter 4. Terra cotta tile shall be porous or semi-porous in quality, and if hollow, shall have two cells in the thickness, with the thickness of shells inclusive of plaster key, not less than 3/4-inch and the thickness of webs not less than 5/8-inch. The shells and webs of hollow gypsum or concrete blocks or tile shall be used only in dry locations. Metal lath and studding shall conform to the requirements of Section 4.

1106.6. All openings in public hallway partitions shall be protected by approved fire doors or fire windows. Approved fire

doors may be permitted in a partition separating tenants in a building, but no glass shall be permitted in openings in such partitions.

1106.7. If a stair hallway be considered as a part of the stairway and the latter is not separately enclosed then the enclosing partitions for the hallway shall be considered as the stairway shaft, and shall be continuously enclosed with fire-proof walls or partitions.

1106.8. If the partition surrounding a public hallway be erected in accordance with the requirements for a fire exit partition, it may be considered as a horizontal exit for an occupancy equal to area of the hallway in square feet divided by three.

Section 1107. Fire-Resistive Partitions in Non-Fireproof Buildings.

1107.1. In non-fireproof buildings (ordinary or mill construction) all partitions enclosing public hallways, or separating the spaces occupied by different tenants shall either be built as required in Section 6, or they may be built of not less than 3-inch approved solid or hollow partition blocks or tile, or by 3-inch hollow or 2-inch solid metal studding and lath with cement plaster, or 2 x 4 inch wooden studding with metal lath and three-quarters inch of cement or cement-tempered plaster on each side; or of any other approved materials and thickness as shall meet the requirements of the Inspector. Wooden studs shall be set with the 4-inch dimension at right angles to the plane of the wall.

1107.2. All such partitions shall be fire-stopped the full depth of the floor beams at each floor level.

1107.3. Openings in such partitions shall be protected by fire doors and windows as specified in Section 1106.

1107.4. The principles governing hallway partition construction as stated in sub-section shall apply to the construction of like partitions in non-fireproof buildings.

Article 12

Burnt, Dilapidated or Dangerous Buildings

Section 1201. Adoption. Sections numbered thirty-three, thirty-four, thirty-five and thirty-six of Chapter 23 of Revised Statutes are hereby adopted, to be henceforth in force in the City of Auburn in accordance with the provisions of Section 37 of said Chapter, said sections being as follows:

Section 1202. Burnt.

"When the municipal officers of a town after personal notice in writing to the owner of any burnt, dilapidated or dangerous building, or by publication in a newspaper in the same county if any, three weeks successively, otherwise in the state paper, and after a hearing of the matter, adjudge the same to be a nuisance or dangerous, they make make an record an order, prescribing what disposal shall be made thereof, and thereupon the town clerk shall

deliver a copy of such order to a constable, who shall serve such owner, if a resident of the state, with an attested copy thereof, and make return of his doings thereon to said clerk forthwith. If the owner, or part owner, is unknown, or resides without the state, such notice shall be given by publication in the state paper or in a paper published in the county, three weeks successively."

Section 1203. Application to Supreme Court Justice.

"If no application is made to a justice of the supreme judicial court, as in hereafter provided, the municipal officers of such town, shall cause said nuisance to be abated, removed or altered, in compliance with their order, and all expenses thereof shall be repaid to the town within thirty days after demand or may be removed of such person by an action for money paid."

Section 1204. Appeal.

"Any owner aggrieved by such order, may apply to a justice of the supreme judicial court, in term time or vacation, who shall forthwith, after notice and hearing, affirm, annul or alter such order. If the court is not in session, the action shall be entered on the docket of the preceding term."

Section 1205. Court May Affirm or Annul; Costs.

"If the court affirms such order, costs shall be recovered by the town. If it wholly annuls such order, costs shall be recovered by the applicant and if it alters in part, the court may render such judgment as to costs as justice requires."

Article 13

Oil Burning Equipment

Section 1301. All construction of oil burning equipment, whether in new buildings or existing buildings, shall be manufactured and installed and all storage and use of oil fuel shall be constructed and installed and maintained in accordance with the latest regulations of the National Board of Fire Underwriters, as published and revised from time to time, except as follows:

1301.1. In domestic installations, storage of fuel oil located in the cellar or basement above the floor level shall not exceed 1500 gallons. A single tank having a capacity of not more than 275 gallons may be so located without protecting enclosure. All tanks of 275 gallons capacity except the first one in a given installation, and all tanks having a capacity of more than 275 gallons shall be protected as specified herein. In no case shall any fuel oil tank having the capacity of more than 20 gallons, whether protected or unprotected in domestic or other than domestic flame. Wherever protection of tanks is required, either in domestic or other than domestic installations, tanks shall be enclosed on side and ends and to a height of not less than 12 inches above the highest point of the tank by not less than 12 inches in thickness of cement concrete or some similarly substantial fireproof material, and not less than six inches in

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thickness of sand, there shall be a layer of sand above the highest point of the tank of a uniform thickness not less than twelve inches and full retained by the substantial side and end walls. Single tanks or a battery of tanks requiring protection whether in domestic or other than domestic installations, and having an aggregate capacity of more than 1,000 gallons shall have, in lieu of the 12 inch layer of sand above the tanks, a layer of sand no less than eight inches in depth, and above the layer of sand a slab of reinforced cement concrete no less than four inches in depth and well supported upon the substantial side and end walls.

1301.2. Vent pipes serving tanks of a capacity of 1,000 gallons or less shall be not less than three-quarters of an inch iron pipe size.

1301.3. No person or corporation shall install any oil burning heater unit or equipment without first causing the Chief of the Fire Department to be noticed of said proposed installation and the nature thereof, and no person or corporation shall operate any oil burning heating unit that does not meet the standard requirements of National Board of Fire Underwriters for the safety of life and property, and the said unit shall have been approved by the Chief of the Fire Department.

Article 14

Electrical Inspection

Section 1401. All Wiring To Be Inspected.

The City Electrician shall have access at all reasonable times, to all wires, appliances and apparatus in the interior of the public buildings, or on private premises, which are intended for carrying an electric light, power or other current, and no person shall install, arrange, affix or change any such wires or apparatus without giving the City Electricians reasonable opportunity to inspect such wires and their arrangements and fixtures before the same are covered or enclosed, and no such wires shall be placed in any building in process of construction until all gas, steam, sewer, water and furnace pipe have been placed in proper position. Such wires in the interior of buildings, or on private premises, shall not be connected with an outside circuit which crosses or runs along, over or under any street or way of the City, without written permission, and certificate of inspection, therefor having been first obtained from the City Electrician. All wiring shall be done in conformity with the most approved methods of construction for safety to life and property. The regulations as laid down in the "National Electrical Code" as approved by the American Engineering Standards Committee and by the National Board of Fire Underwriters together with such additional regulations that the American Engineering Standards Committee may from time to time approve shall be prima facie evidence of such most approved methods.

1402. Inspection Fees.

The fees for such inspection shall be as follows:

Inspection of cottage house of single floor,	\$1.00
Inspection of apartment or tenement house, comprising two or more floors,	1.50
Inspection of business block or hotel,	2.50
Minimum fee for minor alterations,	1.00

Article 15

Plumbing Inspection

Section 1501. The Plumbing Inspector shall have jurisdiction over all plumbing to be installed or altered and all such installation and alterations shall be in conformity with the Plumbing Code.

Article 16

Building Inspector

Section 1601. The Building Inspector shall have power to vary or modify any of the provisions of this Code, relating to the construction, alteration or removal of any building or structure erected or to be erected within the City of Auburn, provided such modification decreases the fire hazard, and such changes are approved by the Board of Appeal as hereinafter provided, upon an application to him therefor in writing by the owner or lessee of such building or structure, or his duly authorized agent, where there are practical difficulties in the way of carrying out the strict letter of this Code, so that the spirit of this Code shall be observed and public safety secured and substantial justice done; but no such variation or modification shall be granted or allowed unless the particulars of each application and of the decision of the said Inspector thereon shall be approved by the entered upon the records of the City Council.

1601.1. And if the application is granted a certificate therefore shall be issued by the Building Inspector and approved by the City Manager. Any person, firm or corporation aggrieved by any decision as provided in this section may make a further appeal as provided in Section 5 of this Chapter.

Section 1602. Rules and Regulations.

The Building Inspector shall have power to establish general rules and regulations, some to be subject to the approval of the City Council, also such other rules and regulations as may be by him deemed advisable or necessary to make in giving full force and effect to the carrying out of the provisions of this Code; and he may amend or repeal such rules and regulations when in his opinion it shall be necessary or desirable, provided that such changes do not in any way modify the provisions of this Code.

Section 1603. Record of Applications.

The Building Inspector shall keep a record of all applications

presented to him concerning, affecting or relating to the construction, alteration or removal of a building or other structures, and shall submit to the City Council a yearly report of such business and to the City Manager a monthly report of the applications received and the disposition made of each. The records shall include the date of the filing of each application; the name and address of the owner of the land on which the building or structure mentioned in each application is situated; the names and addresses of the architect and builder employed thereon; a designation of the premises by street number, or otherwise, sufficient to identify the same; a statement of the nature and proposed use of such structure; and a brief statement of the nature of the application, together with a memorandum of the decision of said Inspector upon such application, and the date of the rendition of such decision. The record shall be kept in two classes, one for new buildings or structures, and one for alterations to buildings or structures. Each application for a new or altered building or structure shall be respectively and consecutively numbered in the date and order of filing, and the record numbers and the application numbers shall correspond.

1603.1. The book containing such records, and all plans, statements and other papers relating to any such application are hereby declared to be public records, and shall be open to inspection at all reasonable times, but such inspection shall not include the right to copy and plan on file, and the copying of any filed drawing, tracing, or print is hereby forbidden.

Section 1604. Modifications.

The Building Inspector shall have power, and it shall be his duty to pass upon any question relative to the mode, manner of construction, or material to be used in the erection or alteration of any building or other structure erected or to be erected within the City of Auburn which is included within the provisions of this Code and other ordinances relating to the construction, alteration or removal of buildings or other structures and to require that such mode, manner of construction or materials shall conform to the true intent and meaning of the several provisions of the said Code and other ordinances.

Section 1605. Board of Appeal.

The Board of Appeal shall consist of the City Manager, the City Solicitor, and any engineer, or architect or contractor selected by any person, firm or corporation aggrieved by any decision rendered by the Building Inspector and the Auburn City Council and it shall be the duty of this Board of Appeal to grant a hearing within five days from the time a hearing is requested by the person, firm or corporation aggrieved and decision by this Board of Appeal shall be made within five days from the date of hearing; it being further provided that any person, firm or corporation aggrieved by such decision of this Board of Appeal may within ten days from the time decision by this Board is given, appeal direct to any Justice of the Superior Court, either in term time or vacation and that hearing of the cause to be held as soon as may be designated by said Justice of the Superior Court. Both parties to have same right as to exceptions of law and evidence before said Justice, as provided in the ordinary cases of Law.

CHAPTER 21

FIRE PREVENTION CODE

Article 1

Inspection and Permits

Section 101. Authority to enter premises.

The Chief of the Fire Department or any member of the fire department designated by him as a fire inspector may, at all reasonable hours, enter any building or premises for the purpose of making any inspection, which under the provision of this chapter he or they deem necessary to be made.

Section 102. Inspection of premises.

It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by fire department officers or members, as often as may be necessary but not less than twice a year in outlying districts and four times a year in the closely built portions of the city, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance affecting the fire hazard.

Section 103. Inspection Order.

Whenever any such officer or member shall find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulation or rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials, and so situated as to endanger property, or shall find obstructions to on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operation of the fire department, or egress of occupants, in the case of fire, he shall order the same to be removed or remedied.

Section 104. Orders. Notifications and Appeals.

Such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within forty-eight hours to the City Manager, who shall within ten days review such order and file his decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant failing to comply with such order within ten days after said appeal shall have been determined, or if no appeal is taken, then within ten days after the service of the said order, shall be liable to a penalty as hereinafter stated.

104.1. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by

delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a true copy of said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known postoffice address.

Section 105. Permits.

Permits required by the provisions of this chapter shall be obtained in writing from the Chief of the Fire Department. Permits shall be for such period as the Fire Chief may specify. They shall be kept on the premises designated therein and shall be subject to inspection by any officer or member of the fire or police departments.

Section 106. Permits needed.

In addition to the permits elsewhere required in this Chapter a permit shall be obtained from the Fire Chief for: --

- 106.1. The storage of calcium carbide in excess of one hundred pounds.
- 106.2. Storage of hay, straw, excelsior and other combustible fibers in excess of one ton, provided that no permit will be required for storage on farm or county property.
- 106.3. Storage of corrosive acids in excess of ten gallons of each kind.
- 106.4. Storage of chlorates or other oxidizing chemicals in excess of ten pounds.
- 106.5. Storage or handling of proxylin plastic in excess of twenty pounds unless wrapped or packed for sale.
- 106.6. Use of stationary acetylene generators.
- 106.7. Use of compressed gas from cylinders in excess of four hundred cubic feet aggregate capacity.
- 106.8. The application of paint, varnish or lacquer by spray methods or with dip tanks and ovens.
- 106.9. Use of refrigeration systems containing twenty pounds or more of refrigerant other than air or water.
- 106.10. The cleaning or drying of clothes or other material with a Class I or II flammable liquid.
- 106.11. Such permits shall be based upon compliance with the standards of the National Board of Fire Underwriters where applicable.

Section 107. Inspections before issuing permits.

Before permits are issued the Chief of the Fire Department shall make or cause to be made such inspections or tests as are necessary to assure that the provisions of this chapter are complied with.

Section 108. Revocation of Permits.

The Fire Chief is hereby authorized to revoke any permit whenever in his judgment any violation of this chapter warrants such revocation, but only after a fair and impartial hearing shall have been accorded the holder of the permit.

Section 109. Appeals.

Appeal from any decision of the Fire Chief in refusing to grant or in revoking any permit, may be made as provided by and in accordance with Section 19 of Chapter 85 of the Revised Statutes of Maine (1944) and Amendments thereto.

Section 110. Modifications.

The Fire Chief shall have power to modify any of the provisions of this chapter upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this chapter, provided that the spirit of this chapter shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 111. Approved devices and materials.

As used in this chapter, the word "approved" as applied to devices or materials means acceptable to the Fire Chief by reason of having been tested and examined by him or by some recognized testing laboratory and found to be proper.

Article 2

Garages

Section 201. Permit Required.

No person for profit shall use any building, shed or enclosure for the purpose of servicing or repairing any motor vehicle therein, nor use any room or space having a floor area exceeding one thousand two hundred square feet in any building, shed or enclosure for storing, housing or keeping any motor vehicles containing flammable liquid in the fuel tanks thereof, without a permit.

Section 202. Repair Work.

No commercial repair work of any kind shall be performed in any basement or sub-basement garage.

Section 203. Cleaning with Flammable Liquids.

No flammable liquid with a flashpoint below 100 degrees fahrenheit shall be used in any garage for washing parts or removing grease or dirt.

Section 204. Handling of Gasoline and Oils.

The reservoirs of motor vehicles shall be filled only through hose from pumps attached to approved portable tanks or drawing from underground storage tanks. There shall be no facilities for gasoline handling or filling in any basement or sub-basement garage. No garage floor drain shall connect to any sewer unless provided with an oil separator or trap.

Article 3

Flammable Liquids

Section 301. Application.

This article applies to all liquids having a flash point below 200 degrees fahrenheit closed cup tester, The flash point shall be as determined by the tagliabue closed cup tester.

Section 302. Classification.

For the purpose of this chapter flammable liquids are classified as follows:

302.1. Class 1: Liquids having a flash point below 25 degrees fahrenheit closed cup tester. Examples: ether, gasoline, naphtha, and benzol.

302.2. Class 2: Liquids having a flash point above that for Class 1 and below 70 degrees fahrenheit closed cup tester, Examples: Alcohol and amyl acetate.

302.3. Class 3: Liquids having a flash point above that for Class 2 and below 200 degrees fahrenheit closed cup tester. Examples: Kerosene and fuel oil.

Section 303. Permits.

A permit shall be obtained from the Fire Chief for the storage of handling of flammable liquids of excess of one gallon where such storage or handling is for the purpose of sale, or for use in some business or industry; or for the storage of flammable liquids in excess of fifty-five gallons in connection with oil-burning equipments.

Section 304. Approvals.

Before any flammable liquid tank or piping is covered from sight, the installation shall be inspected and approved by the Fire Chief.

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304.1. The Fire Chief may prohibit the sale or use of any heating or lighting appliance using flammable liquids, which has not been tested by Underwriters Laboratories, Inc., or some other competent authority, and found to be properly safeguarded against fire hazard.

Section 305. Class 1 and 2 Liquids.

Class 1 and 2 liquids shall not be kept or stored in any building used as a place of public assembly, except in laboratories for experimental purposes.

301.5. In establishments where Class 1 or 2 liquids are used in manufacturing, cleaning or other process the Fire Chief shall require such preventive and protective measures as will reasonably safeguard life and property against fire.

Section 306. Storage and Handling of Class 1 liquids in Buildings.

Class 1 liquids shall not be kept inside of buildings except in sealed containers or approved safety cans of not more than one gallon capacity each, provided that in rooms conforming to Section 308, safety cans up to ten gallons in size may be used, and in garages and manufacturing plants the Fire Chief may permit the use of approved portable wheeled tanks where the nature of the business requires such storage.

306.1. Storage systems with arrangements for discharging Class 1 liquids inside of buildings shall have discharge outlets located only in rooms conforming to Section 308.

Section 307. Storage and Handling of Class 2 Liquids in Buildings

Class 2 liquids shall not be kept inside of buildings except in sealed containers or approved safety cans of not over five gallons capacity each or in closed drums, barrels or tanks. Containers of Class 2 liquids of over five gallons capacity shall not be used to fill other containers, inside of buildings, unless in a room conforming to Section 308.

Section 308. Storage Rooms.

Rooms for the storage and handling of flammable liquids shall be constructed with walls, floors and ceilings having a fire resistance rating of not less than one hour, provided that where in the opinion of the Fire Chief the hazard is more than moderate, based upon a consideration of the quantity and nature of the liquids involved and the extent of mixing operations together with the construction of the buildings and its exposures, construction having a fire resistance of not less than two hours shall be required.

308.1. Door openings to the room shall be equipped with approved automatic or self-closing fire doors and shall have sills raised at least six inches above the room floor.

Section 309. Storage of Fuel Oil in Buildings.

The storage of Class 3 liquids in buildings, in connection with oil burning equipment shall be in accordance with the fol-

lowing: Tank of not over two hundred and seventy-five gallons capacity may be installed without enclosures; other tanks shall be completely enclosed with reinforced concrete not less than 12 inches in thickness, with at least a six-inch space on sides between tank and concrete insulation filled with sand or well tamped earth, and with twelve inches of sand on top of tank, either between tank and concrete slab or above concrete slab.

Section 310. Drawing Liquids from containers.

Flammable liquids shall not be drawn or handled in the presence of any open flame or fire, except as permitted below, flammable liquids shall be drawn from tanks, at points inside buildings only by pumps or other method approved by the Fire Chief. Draw-off pipes terminating inside buildings shall have a valve at the discharge end; when delivery is by gravity, the shut-off valve should preferably be of the automatically closing type and in addition an emergency valve shall be provided. Draw-off devices for Class 1 and 2 shall not be located on floors below grade.

310.1. An approved domestic type oil burner may be supplied by gravity from a tank of two hundred and seventy-five gallons maximum capacity. Range burners and room heaters may have barometan approved type.

310.2. The Fire Chief may permit gravity flow of flammable liquids in manufacturing and jobbing plants where the nature of the business requires it.

Section 311. Smoking Prohibited.

Smoking or the carrying of matches or other smoking material in rooms where flammable liquids are handled is prohibited. Suitable "No Smoking" signs shall be displayed.

Section 312. Above ground storage limited.

The storage of flammable liquids in outside above ground tanks is hereafter prohibited within the fire limits, except in a specific cases when the Fire Chief grants a permit certifying that such installation is in accordance with approved methods and practices for safety to life and property.

Section 313. Capacity and location of above ground tanks.

Above ground storage requirements in compliance with "National Fire Code- Flammable Liquids, gases, chemicals and explosives" issued by National Fire Protection Association, shall be prima facie evidence of approved methods referred to in the previous section.

Section 314. Underground Storage Limited.

Underground tanks shall have the top of the tank not less than three (3) feet below the surface of the ground, except, that in lieu of the two foot cover, tanks may be buried under twelve inches of earth and a cover of reinforced concrete at least five inches in thickness provided, which shall extend at least one foot beyond the outline of the tank in all directions;

concrete cover to be placed on a firm well tamped earth foundation. Where necessary to prevent floating, tanks shall be securely anchored or weighted.

314.1. Where a tank cannot be entirely buried, it shall be covered over with earth to a depth of at least two feet with a slope on all sides not steeper than one and one-half feet horizontal to one foot vertical.

314.2. For liquids with a flashpoint below 100 degrees Fahrenheit, underground tanks having a capacity in excess of five hundred and fifty gallons shall be at least ten feet, and tanks having a capacity in excess of two thousand gallons shall be at least twenty feet, from every building the lowest floor, basement, cellar or pit of which is below the top of the tank.

Section 315. Construction of Tanks.

The design, and construction of tanks shall conform to generally accepted good practice and shall be approved by the Chief of the Department. Tanks labeled by Underwriters Laboratories, Inc., and tanks conforming to the standards of the National Board of Fire Underwriters of the American Petroleum Institute shall be deemed to conform to generally accepted good practice.

Section 316. Setting of tanks.

Tanks shall be set on firm foundations. Tanks located inside buildings and exceeding two thousand five hundred gallons capacity shall be supported independently of the floor construction. Outside aboveground tanks more than one foot above the ground shall have foundations and supports of masonry of protected steel, except that wooden cushions may be used.

Section 316.1. No combustible material shall be permitted under or within ten feet of any outside aboveground storage tank. Electric motors, unless approved explosion proof type, and internal combustion engines shall not be placed beneath tanks or elsewhere within the line of vapor travel.

Section 317. Venting of Tanks.

An open galvanized iron vent pipe arranged for proper draining, or an automatically operated vent, shall be provided for every tank which may contain flammable vapor. The lower end of the vent pipe shall not extend through the top into the tank for a distance of more than one inch.

317.1. Vent openings, except those on underground tanks for Class III liquids, shall be provided with approved flame arresters. Vent openings and vent pipe shall be of sufficient size to prevent abnormal pressure in the tank during filling and except automatically operated vents, shall be not smaller than one and one-quarter inch pipe size. Arresters shall be accessible for examination and repair. Vent pipes shall be provided with weather-proof hoods and terminate outside of buildings not less than two feet, measured horizontally and vertically, from any window or other building openings. For Class I liquids, if tight

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connection is made in filling line and filling is by gravity, the vent pipe shall extend to a point at least one foot above the level of the top of the highest reservoir from which the tank may be filled, otherwise it shall be not less than twelve feet above the top of the fill pipe. For other Class I liquids the vent pipe shall extend sufficiently above ground to prevent obstruction by snow or ice. Where a power pump is used in filling storage tanks and a tight connection is made to the fill pipe, the vent pipe shall be not smaller than the fill pipe.

Section 318. Emergency Pressure Reliefs.

With the exception of vertical, cone-roof tanks having a roof slope less than two and one-half inches in twelve inches and in which the strength of the joint between roof and shell is no greater than that of the weakest vertical joint in the shell, all aboveground tanks shall have some form of relief for preventing the development of excessive internal pressure in case of exposure fire surrounding the tank. The method of relief shall be acceptable to the Chief of the Fire Department.

318.1. For size of emergency pressure reliefs see NBFU Pamphlet No. 30, Containers for flammable liquids, or the suggested fire prevention ordinance recommended by the National Board of Fire Underwriters.

Section 319. Dikes.

Tanks containing crude oil or other liquids which have a tendency to boil over, and tanks exceeding fifty thousand gallons capacity shall be surrounded with a dike having a capacity not less than that of the tank or tanks surrounded; minimum height of earth dikes shall be three feet and of masonry dikes thirty inches.

319.1. Tanks of less than fifty thousand gallons capacity shall, when deemed necessary by the Chief of the Fire Department on account of proximity to streams, character of topography or nearness to buildings of high value, be diked or the entire yard provided with a curb or retaining wall or other suitable means taken to prevent the discharge of liquids onto other property in case of a rupture in a tank or piping.

319.2. Dikes or walls required by the preceding paragraphs shall be of earth or masonry so constructed as to afford adequate protection. When dikes surround tanks containing crude oil, they shall have a suitable coping or deflector projection inward properly constructed to minimize the effect of a "boil over" wave. Dikes surrounding crude oil tanks shall be not less than fifty feet from the shell of the tank or tanks surrounded.

Section 320. Distinctive markings.

Portable containers for Class I and II liquids shall be painted red, (entire container or conspicuous band or stripe) and be conspicuously lettered in black, "Dangerous Keep lights and fire away."

Section 321. Piping.

Piping used for flammable liquids shall be standard full weight wrought iron, steel or brass pipe or approved brass or copper tubing; for working pressures in excess of one hundred pounds per square inch extra heavy fittings shall be used. No pipe or tubing less than one-quarter inch internal diameter shall be used. Outside piping shall be protected against mechanical injury.

321.1. Piping carrying Class I and II liquids, unless without joints or connections, shall not extend through any room which contains any open light or fire.

Section 322. Valves at Tanks and Pumps.

Where tanks are aboveground there shall be a valve located near the tank in each pipe. In case two or more tanks are cross-connected there shall be valve near each tank in each cross-connection.

322.1. Pumps delivering to or taking supply from aboveground storage tanks shall be provided with valves on both suction and discharge of pump, and in delivering to tanks a check valve to prevent flow of liquid from tank to pump.

322.2. In systems using pumps to supply auxiliary tanks or headers, which feed internal combustion engines or fuel oil burners, provisions shall be made to return surplus oil to the supply tank; and valve installed in the line shall be of pressure relief type.

Section 323. Tank Filling and Filling Connections.

Deliveries of flammable liquids of Class I and II shall be made directly to the storage tank through the filling pipe by means of a hose or pipe between the filling pipe and barrel, tank wagon or tank car from which such liquid is being drawn.

323.1. The end of the filling pipe for underground storage tanks for Class I and II liquids shall be carried to a location outside of any building, but not within five feet of any entrance door, or cellar opening; this filling pipe shall be closed by a screw cap.

Section 324. Fire Extinguishers.

Where flammable liquids are kept, used or handled a quantity of loose concombustible absorbents, such as dry sand or ashes, together with pails or scoops, and chemical extinguishers or other extinguishing devices or materials shall be provided in such quantities as may be directed by the Chief of the Fire Department.

Section 325. Liquified Petroleum Gas Containers.

Nonportable containers for the storage of liquified petroleum gases (propane and sutane are the principal constituents)

shall be constructed in accordance with the unfired pressure vessel Code of the American Society of Mechanical Engineers.

325.1. Storage containers shall be located with respect to nearest building or group of buildings, or line of adjoining property which may be built upon, in accordance with the following table, except that the Chief of the Fire Department may exempt minor outbuildings and buildings devoted exclusively to gas manufacturing and distributing operations, from this requirement:

Water Capacity Per Container	Minimum Distance	
	Under Ground	Above Ground
Less than 125 gallons	10 feet	none
125 to 500 gallons	10 feet	10 feet
500 to 1,200 gallons	25 feet	25 feet
over 1,200 gallons	50 feet	50 feet

Section 326.

Any underground tank that is abandoned must be either dug up or filled thereof, in a manner approved by the Fire Chief.

Article 4

Explosives

Section 401. Application.

This article applies to all explosives except small arms ammunition and pyrotechnic devices.

Section 402. Permits.

The manufacture of explosives is prohibited. A permit shall be obtained from the Chief of the Fire Department to have, keep, use, store or transport any explosives.

Section 403. Transportation.

Explosives shall not be transported or carried in any conveyance carrying passengers for hire.

403.1. Every vehicle, while carrying explosives, shall display upon an erect pole at the front end of such vehicle and at such height that it shall be visible from all directions, a red flag with the words, "Danger" printed, stamped or sewed thereon in white letters at least six inches in height, or in lieu of such the word "Explosives" must be painted on, or attached to the rear end and each side of such vehicle in letters at least four inches in height.

403.2. It shall be unlawful for any person in charge of a vehicle containing explosives to smoke in, upon or near such vehicle, to drive, load or unload the vehicle while intoxicated, to drive the vehicle in a careless or reckless manner, or to load such vehicle in a careless or reckless manner.

403.3. It shall be unlawful for any person to place or carry, or cause to be placed or carried in the bed or body of a vehicle containing explosives, any metal tool or other piece of metal, or any matches.

403.4. It shall be unlawful for any person to place or carry or cause to be placed or carried, in the bed or body of a vehicle containing explosives, any exploders, detonatores, blasting caps, or other similar explosive material.

Section 404. Storage.

Explosives shall be stored only in magazines made of fire-proof material or of wood covered with sheet iron and conspicuously marked "Magazine-Explosives- Dangerous."

404.1. Magazines containing explosives shall be located at distances from neighboring buildings, highways and railroads in conformity with the American quantity and distance table; provided that one portable magazine containing not more than fifty pounds of explosives may be allowed in the building not occupied as a dwelling or place of public assembly if placed on wheels and located not more than ten feet from, on the same floor with and directly opposite to the entrance on the floor nearest the street level, and one magazine containing not more than five thousand blasting caps, may be allowed if placed on wheels and located on the floor nearest the street level.

404.2. Blasting caps or detonators of any kind shall not be placed or kept in the same magazine with other explosives.

404.3. Magazines shall be kept locked except when being inspected or when explosives are being placed therein or being removed therefrom.

404.4. Magazines shall be kept clean and free from grit, rubbish and empty packages.

Article 5

Miscellaneous Provisions for Fire Prevention.

Section 501. Bonfires.

No person shall burn or cause to be burned any trash, lumber leaves, straw or any other combustible material in any street, alley or vacant lot, without a permit from the Fire Chief, when such burning shall be done in screened metallic receptacles approved by him and under such proper safeguards as he may direct.

Section 502. Hot Ashes and Other Dangerous Materials.

Ashes, smouldering coals or embers, greasy or oily substances and other matter liable to spontaneous ignition shall not be deposited or allowed to remain within ten feet of any combustible materials or construction made up of combustible materials, except in metal or other non-combustible receptacles.

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Such receptacles shall be placed on non-combustible stands, unless resting on a non-combustible floor or on the ground outside the building, and shall be kept at least two feet away from any combustible wall or partitions.

Section 503. Accumulations of Combustible Materials.

No person shall permit to remain upon any roof or in any court yard, vacant lot or open space, any accumulation of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind.

503.1. Every person making, using, storing or having charge or control of any shavings, excelsior, rubbish, stack, bags, litter, hay, straw or combustible trash, waste or garments shall at the close of each day cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the premises or stored in suitable vaults or in metal or metal-lined and covered receptacles or bins. Suitable presses shall be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

Section 504. Flammable Decorations.

Cotton batting straw, dry vines, leaves, trees, celluloid or other highly flammable materials shall not be used for decorative purposes in show windows or stores without a permit from the Fire Chief.

504.1. Paper and other readily flammable materials shall not be used for decorative purposes in any place of public assembly, unless such materials have first been treated to render them flame proof to the satisfaction of the Fire Chief.

Section 505. Maintenance of Protective and Extinguishing Systems.

Sprinkler systems, stand-pipe systems, alarm systems, and other protective or extinguishing systems which have been installed in compliance with any permit or order, or because of any law or ordinances, shall be maintained in operative conditions at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection furnished. Provided this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The Chief of the Fire Department shall be notified before such tests, repairs, alterations, or additions are started unless the work is to be continuous until completion.

Section 506. Fireworks.

The term "fireworks" as used in this article refers to firecrackers, rockets, torpedoes, roman candles, toy pistols toy cannons, detonating canes, blank cartridges and other devices designed and intended for pyrotechnic display.

506.1. The Manufacture of fireworks is prohibited within the City limits.

CITY OF AUBURN, MAINE
Article 6

Fire Exits

Section 601.

No person shall at any time place an encumbrance of any kind whatsoever before or upon any fire escape, balcony or ladder intended as a means of escape from fire. It shall be the duty of every member of the Police and Fire Departments who shall discover any fire escapes encumbered in any manner to forthwith report to the Chief of the Fire Department and the Chief of the Fire Department shall immediately notify the owner and the tenant to remove such encumbrance.

Section 602.

It shall be unlawful for any person to place, store, or keep, or permit to be placed, stored or kept under or at the bottom of any stairway, inside or outside, elevator or other shaft in any building, any combustible or flammable materials, be placed or stored or kept in any place where ignition or burning would obstruct or render hazardous, egress from a building.

Section 603.

No obstruction shall be permitted in hallways of tenement houses or apartment houses.

Section 604.

All doors, aisles and passageways within and leading into or out of places of assembly shall be kept free from easels, signs, standards, campstools, chairs, sofas, benches and any other article that might obstruct or delay the exit of the audience, congregation or assemblage during the entire time during which any show, performance, service, exhibition, lecture, concert, ball or other assemblage, may be held. Clear passage from all exits and on sidewalks must be at all times be maintained outside of all places of assembly. No aisle, passageway or stairway in any store shall be obstructed with tables, showcases, or other obstruction during hours said store is open to the public. It shall be the duty of the Chief of the Police Department to render assistance in the enforcement of the provisions of this part and to direct and require police officers to enter all places of assembly for such purposes.

Section 605. Marking of Exits.

In room accommodating more than seventy-five persons, required exit doorways, other than normally used for entrance, shall be plainly marked by approved exits signs, sufficiently when the floor area is occupied, to be readily distinguished.

605.1. Directional signs, as required, shall be placed on walls or otherwise displayed in conspicuous location to direct occupants to exits.

Section 606. Lighting of Exits.

Required exit ways shall be kept adequately lighted at all times that the building served thereby is occupied.

Article 7

Automobile Tire Rebuilding Plants

Section 701. Permit Required.

A municipal permit obtained in writing from the Fire Chief shall be required for any tire retreading or rebuilding plant. Permits shall be for such period as the City Council may specify.

Section 702. Tire Shop: Protection

Tire retreading shops shall have all floor openings, such as stair and elevator shafts, enclosed in a standard manner, and with exposed windows protected by wired glass in metal sash and frames.

Section 703. Buffing Machines.

Buffing machines shall be located in a separate room and used for no other purpose. Each machine shall be connected to an ample blower or dust collection system.

Section 704. Rubber Cement -- Flammable Solvents.

Each room where rubber cement is used or mixed, or flammable solvents are applied, shall be equipped with an effective system of mechanical or natural ventilation.

Section 705. Building Requirements.

Tire retreading shops in buildings of wooden construction or in buildings used in whole or in part for human habitation or in connection with stores shall be suitably cut off by fire partitions or fire walls from other portions of the buildings, and in either case such building or the portion thereof occupied by the applicant shall be equipped with an automatic sprinkler system.

Article 8

Nitrocellulose Motion Picture Film

Section 801. Application.

This article applies to motion picture film having a cellulose nitrate base. The word "film" wherever used in this article refers to such films. Cellulose acetate film, marked safety film, is exempt from these provisions.

Section 802. Permits.

No person shall store, keep or have on hand more than twenty-five pounds (about five thousand feet of thirty-five mm. film) of nitrocellulose motion picture film without a permit from the Fire Chief.

802.1. No person shall sell any toy or miniature motion picture machine containing nitrocellulose motion picture film, or sell, lease or otherwise dispose of any nitrocellulose motion picture film to any person not having a permit to handle, use or display such film.

Section 803. Storage Cabinets.

Cabinets having a capacity of over fifty pounds of film shall be provided with a vent from each compartment to the outside of the building. The vent shall have a minimum effective sectional area of fourteen square inches per one hundred pounds of film.

Section 804. No Smoking.

Smoking or the carrying of a lighted pipe, cigar, cigarette or other form of smoking material in rooms where film is stored or handled is prohibited.

Article 9

Oil Burners

Section 901. Permits.

For each installation of oil burner equipment a permit shall be obtained by the installer from the fire department and, within 24 hours of installation, the installer shall notify said department for the equipment to be inspected. This inspection shall be made within ten days of notification of installation.

Section 902. Installation.

No oil burner equipment shall be installed except by men so licensed to do so by the City and by persons personally installing such equipment in their own home.

Section 903. Inspection.

Any installation which does not meet with the approval of the fire department whether at the time of inspection or at any other time shall be repaired by the owner or person using such equipment within the next 24 hours or cease using such equipment. This shall include the storing of the fuel oil as well as the other equipment using the fuel oil or connected directly with the using of the fuel oil. The approval of the fire department shall be by the standards established by the National Board of Fire Underwriters.

Section 904 Fees.

There shall be a fee of one dollar, payable at the time the permit is secured, for the permit and inspection of each oil burner installation.

Section 905. Violations.

Any person violating any provisions of this article shall be liable to a fine of not less than five dollars not more than twenty dollars. Each twenty-four hours said violation exists shall constitute a separate violation. Any person violating the provision of Section 902 shall be liable for a fine, as stated above, for each separate installation of oil burner equipment.

Article 10

Violations

Section 1001. Admission to Building Refused, or Obstruction, Penalty.

Any owner or occupant of a building, who refuses to permit an inspector of buildings to enter his buildings, or wilfully obstructs him in the inspection of such building as required by Chapter 5 of the Revised Statutes of Maine (1944), shall be punished by a fine of not less than one dollar nor more than twenty dollars to be recovered by complaint or indictment, as provided by Section 18 of Chapter 85 of the Revised Statutes of Maine (1944)

Section 1002. Refusal to Comply with Orders to Remedy Dangerous Conditions, Penalty.

Any owner or occupant of buildings or premises failing to comply with orders to remedy dangerous conditions as required by Section 104 hereof, shall be punished by a fine of not less than five dollars for each day's neglect, as provided by Section 19 of Chapter 85 of the Revised Statutes of Maine (1944).

Section 1003. Other Violations.

Any person who shall violate any provisions of this Chapter for which a specific maximum penalty is not provided by state law or by this chapter, or fail to comply herewith, or fail to comply with any other regulation made thereunder, shall severally for each and every violation and non-compliance, forfeit and pay a penalty not to exceed twenty-five dollars.

CITY OF AUBURN, MAINE
CHAPTER 22

HEALTH, PLUMBING AND SANITATION

Article 1

General

Section 101. Powers

The Health Officer and members of the health department shall have all the powers and duties conferred on them by State Statutes, City Charter and Ordinances.

Section 102. CLEANING PRIVIES, VAULTS, CESSPOOLS, SEPTIC TANKS.

Whenever in the opinion of the Health Officer, any privy, vault, cesspool or septic tank shall become offensive to the safety, health, comfort or convenience of the public, he shall give notice requiring the owner or occupant of the premises to clean, remove or alter the said privy, vault, cesspool or septic tank in a manner satisfactory to the Health Officer within five days from the day of notice. Should the owner or occupant of the premises fail to clean, remove, or alter the said privy, vault, cesspool or septic tank within the time specified, the health officer shall cause the work to be done, and all expense thereof shall be repaid to the City by such owner or occupant. No person shall remove the contents of any privy, vault, cesspool or septic tank except in a manner approved by the health officer.

Article 2

Plumbing

Section 201. General

No person, firm or corporation shall engage in work at the business of plumbing, either as a Master or employing plumber, or as a journeyman plumber, unless they have registered their names and places of business in the office of the Health Officer a license so to do; and notice of any change in the place of a business or a registered plumber shall be immediately given to said Health Officer.

Section 202. Licenses.

The Health Officer is hereby authorized, under such rules and regulations as he may prescribe, to grant plumber's licenses annually to such persons as shall apply therefor and as he shall deem entitled thereto, after such persons shall register their names and places of business with him, and after the payment of \$5.00 for master plumber and \$2.00 for journeyman plumber annually to the Health Department which money shall be accounted for by said Health Officer to the said Treasurer. Said Health Officer may revoke said license granted by him if the licensee shall at any time violate any of the provisions of this Ordinance.

Section 203. Permit

Every plumber doing any work in any building shall, except in the case of repairs, file at the office of said Health Officer for that purpose, a statement of all the work he proposes to do, and obtain a permit therefor.

Section 204. Rules and Regulations

All plumbing hereafter installed in the City of Auburn and all permits issued and fees collected shall conform to the "Rules and Regulations of the State Department of Health and Welfare of Maine in relation to Plumbing done within the State" issued under authority conferred by Chapter 22 of the Revised Statutes of Maine (1944) and as may be amended from time to time.

Section 205. Penalty.

Any person who shall engage in or work at the business of plumbing, without having obtained the license provided for in sections, one, two and three of these rules and regulations, shall be subject to a fine or penalty of not exceeding twenty dollars (\$20) for each twenty-four hours (24) that he shall work at or be engaged in such business; and any person who shall violate and of the provisions of these rules and regulations, relative to plumbing and drainage, shall be subject to a fine or penalty of not exceeding twenty dollars (\$20) for each offense.

Article 3

Barber Shops and Beauty Parlors

Section 301. General.

No public barber shop, hairdressing establishment, beauty parlor or chiropody establishment shall be conducted or maintained, nor shall any itinerant barber, hairdresser or chiropodist operate or offer his services to the public for remuneration in the City of Auburn without a license issued by the Health Department, except that a person regularly employed in a public barber shop, hairdressing establishment, beauty parlor or chiropody establishment having a license shall not be required to obtain an individual license.

Section 302. Terms

The terms Public barber shop, public hairdressing establishment public beauty parlor, and public chiropody establishment, as used in those ordinance, shall be taken to mean and include all such premises as are commonly known by the terms of barber shop, hairdressing establishment, beauty parlor and chiropody establishment, respectively and shall include all premises or portion thereof wherein the business of shaving, clipping, cutting, trimming, singeing, shampooing, massaging, manicuring, chiropody, dressing, adorning, or beautifying the human hair, face, scalp, hands or feet, is conducted for fee, charge or hire.

302.1. The terms Itinerant Barber, Hairdresser or Chiropodist shall include all persons engaged in the business of shaving, clipping, cutting, trimming, singeing shampooing, massaging, manicuring, chiropody, dressing, adorning, or beautifying the the human hair, face, scalp, hands or feet, for fee, charge or hire are not regularly employed by a public barber shop, hair-dressing establishment, beauty parlor or chiropody establishment having a permit.

Section 303. License.

On the approval by the Health Department of any application to maintain such public barber shop, hairdressing establishment, and beauty parlor or to operate as such itinerant barber, hairdresser or chiropodist and on the payment by the applicant of a fee of one dollar (\$1.00), which fees shall be accounted for with the City Treasurer by the Health Department, a license will be issued authorizing the licensee to continue in business until the first day of April next following the issue of the license, unless such license by sooner revoked.

Section 304. Rules and Regulations.

Every barber shop, hairdressing establishment and beauty parlor, within the City of Auburn, shall be open to the Health Officer or his deputies for inspection at any reasonable time, and the following rules and regulations shall be observed therein:

304.1. All such shops or establishments, with all the furniture therein, shall be kept in a clean and sanitary condition.

304.2. No towel coming in direct contact with skin or scalp shall be used in any such establishment for more than one person without being laundered.

304.3. The use of powder puffs and sponges is prohibited except when the sponge or puff owner by a customer may be used on him or her.

304.4. Before any patron attended in any such establishment if permitted to recline in a chair, the head rest of such chair shall be covered with a clean towel or clean sheet of paper not previously used for any other purpose.

304.5. The use of styptic pensils or sticks to stop the flow of blood is prohibited. Styptics in power liquid form applied with a clean towel, are allowed.

304.6. Every barber shop shall be well ventilated and provided with a pressure tank with running hot and cold water. Every beauty parlor shall be well ventilated, and provided with running hot and cold water.

304.7. All brushes, combs, razors, clippers, scissors, tweezers, blackhead removers, files, pushers, buffers, chiropodist instruments and all message and scalp applicators used in such establishment shall be thoroughly cleansed and sterilized after

each and every separate use thereof. Provided, however, that where complete sterilization is not practicable, the same shall be so cleaned and treated after each and every separate use thereof to provide the maximum of sterility attainable. The use of such implements which cannot be so treated is prohibited.

304.8. Barbers, hairdressers, manicurists, and beauty parlor attendants must not attempt to remove warts or moles.

304.9. No person in any such establishment shall (knowingly) treat any person afflicted with any skin eruption or disease of a contagious or transmissible character.

304.10. No person suffering from a communicable disease, ordinary cold excepted, or from a venereal disease in a communicable stage which might be conveyed to another person by contact, shall act as a barber, hairdresser, or beauty parlor attendant.

304.11. A sufficient number of notices forbidding spitting on the floor shall be kept posted conspicuously in every barber shop.

304.12. Cuspidors shall be cleaned and disinfected daily.

304.13. Clean plain paper shall be used to wipe razors.

304.14. Proprietors of barber shops, beauty parlors and other establishments, and their managers, shall see that these regulations are enforced, and will co-operate with the Health Department by reporting all violations of these regulations to their attention.

304.15. A copy of these regulations shall be posted in every barber shop and beauty parlor, and other like establishments.

Section 305. Exceptions to Rules and Regulations.

Section 304, with exception of sub-sections 304.1, 304.11, 304.12 and 304.15, shall apply equally to all itinerant barbers, hairdressers and chiropodists.

Section 306. Revoke License.

The Health Officer may revoke licenses granted by him if the licensee shall at any time violate the provisions of this ordinance.

Article 4

Milk

Section 401. Terms.

Definition of terms: For the purpose of this by-law.

401.1. The word "person" shall mean and include individuals, partnership, and corporation, whether acting for themselves or as agents or employees.

401.2. A "Dairy" of "Dairy farm" shall mean and include any place or premise where one or more milk cows are kept for the production of milk for sale.

401.3. A "milk plant" shall mean and include any place where milk is received and prepared for sale or distribution.

401.4. The word "milk" shall mean and include as far as may be applicable: milk, cream, skimmed milk and buttermilk, except where otherwise indicated.

401.5. "Whole milk" shall mean the lacteal fluid obtained by the complete milking of one or more healthy cows, and shall contain not less than 3.25 of butter fat and 11.75 of total solids.

401.6. "Skimmed milk" shall mean milk from which substantially all of the milk fat has been removed.

401.7. "Cream milk" shall mean that portion of the milk, rich in milk fat, which rises to the surface of the milk on standing, or is separated from it by centrifugal force, and containing not less than eighteen per cent of milk fat.

401.8. "Homogenized" or "Emulsified" milk shall mean milk every portion of which has been subjected to the mechanical process of Homogenization or Emulsification as the case may be.

401.9. "Certified Milk" shall mean milk produced and handled in conformity with the "Methods and Standards for the production and Distribution of Certified milk adopted by the American Association of Medical Milk Commissions May 1st, 1912, and amendments thereto, in effect at the time of production, and certified to be Milk Commission constituted in compliance therewith."

401.10. "Pasteurized Milk" shall mean milk every portion of which has been heated to and for at least thirty minutes held at a temperature of approximately 145, never less than 142 degrees Fahrenheit, and immediately thereafter cooled to temperature of 50 degrees Fahrenheit or less.

401.11. The legend "Baby Milk" or any other legend or device upon any milk container, cap, stopper, or wrapper which may be construed as a guarantee or excellence, shall be used only when milk conforms in quality to "Certified Milk."

Section 402. Conditions.

No person shall sell or deliver for consumption as milk or have in his possession with intent to sell or deliver for consumption as milk, either --

402.1. Milk to which water has been added; or

402.2. Whole milk containing less than 3.25 per cent of milk fat or less than 11.75 of total solids; or cream containing less than 18 per cent of milk fat; or

402.3. Milk the container of which is labeled or branded so as to mislead or deceive the purchaser; or

402.4. Milk produced from diseased cows, or from cows during the fifteen days preceding parturition, or within such time thereafter as the milk is abnormal, or from cows which have been fed unwholesome food, or have had access to contaminated water; or

402.5. Milk which has been produced, stored, handled, or transported in any unclean or unsanitary manner; or

402.6. Milk as to the methods of production, storage, handling, or transportation of which the Health Officer or any of his representatives shall have been refused full opportunity to inspect; or

402.7. Milk the retail or the final container of which does not bear a plain and conspicuous statement showing the name or trade name of the dealer or distributor, not milk in bottles the caps of which do not bear the name or trade name of the dealer or distributor; or

402.8. Milk which immediately after production has not been cooled to and kept at a temperature of fifty degrees or less Fahrenheit, except during the process of pasteurization, or;

402.9. Milk containing more than fifty thousand (50,000) bacteria per C. C. of all kinds, or any pathogenic bacteria, at the time of delivery to the consumer; nor any milk the methods of producing, handling, processing, storage, transportation or distribution of which have not been approved by the Health Officer or his authorized agents; or

402.10. Milk which has been pasteurized a second time; or

402.11. "Homogenized Milk" or "Emulsified Milk" unless it is plainly and conspicuously labeled "Homogenized" or "Emulsified" as the case may be; or

402.12. Milk which has had the cream line increased by any Artificial means.

Section 403. Exception.

Nothing in this Ordinance shall be construed to prohibit the sale when labeled so as to show its true character, of either sour milk or buttermilk.

Section 404. Permit.

No person shall produce, process, sell or deliver or have in his possession with intent to sell or deliver for consumption, milk, without first registering with the Health Officer and receiving a permit. This section not to apply to stores that observe all health regulations relating to the sale of milk.

Section 405. Revoke Permit.

The Health Officer, after affording the permittee an opportunity for a hearing, may suspend or revoke any permit

issued by him under this Ordinance whenever he shall determine that the permittee has violated any of the provisions of this Ordinance or of the regulations made hereunder, and without affording such opportunity, may suspend a permit temporarily whenever he deems necessary.

Section 406. Filling Containers

No person engaged in the business of selling or delivering milk in the City of Auburn, shall fill bottles or receptacles with milk in any place, other than at the milk plant or dairy.

Section 407. Testing Cows.

All cows in the herd and additions thereto, shall be Tuberculin tested by a licensed Veterinarian, under the supervision of the Division of Animal Industry of the Department of Agriculture at least once every 12 months. For other diseases, the Health Officer may order, if he deems it necessary, a test or physical examination by a licensed veterinarian.

Section 408. Testing Milk.

Whoever tests milk which is to be offered for sale in any form shall do so by means of a properly sterilized instrument, and such instrument shall not again be brought in contact with milk until after being thoroughly washed and sterilized; and no part of the person or of the clothing of any person handling milk for sale shall come in contact with such milk.

Section 409. Serving Milk to Public.

No person, firm or corporation engaged in the business of serving the public at any hotel, restaurant, lunch room, soda fountain, or other place where milk is sold and served directly to the consumer, shall pour into or fill such consumer's glass or other receptacle with milk to be consumed as milk, except from the original container opened by or in the presence of the consumer. For the purpose of this Ordinance an original container shall mean any bottle or other container that was last filled and capped or sealed at an approved dairy or milk plant, except that homogenized milk may be sold from a dispenser that was sealed at an approved dairy or milk plant, and the design and operation of said dispenser has been approved and licensed by the health officer who may revoke said license whenever the service to the public of milk from said container shall not be in accordance with the requirements of the health officer.

The dispensers from which homogenized milk is sold to the public shall be clearly marked by the dairy or milk plant at which they are sealed, with the date and time of pasteurization, and the name and address of the distributor."

Section 410. Pasteurization.

No person shall offer milk for sale at retail which was not produced by cows owned by said person, unless such milk has first been pasteurized or unless the retail or final container bears

the name or trade name of the producer of said milk or, when sold in bottles, the bottle cap bears the name or trade name of the producer of said milk.

410.1. All milk shall be bottled either on the farm where it is produced or in a licensed pasteurized milk plant after the same has been properly pasteurized according to regulations hereinafter set forth.

Section 411. Rules and Regulations, Dairy Farm.

411.1. Dairy Barn: Requirements.

A dairy or milking barn shall be required, and such section thereof where cows are kept or milked shall have at least three square feet of window area for each stanchion.

Such sections of all dairy barns where cows are kept shall have at least 300 cubic feet of air space per stanchion, and shall be well ventilated.

The walks and gutters of all parts of such dairy barns in which cows are kept or milked shall be constructed of concrete or other easily cleaned material (wood floors accepted if in good repair) and shall be graded to drain properly and shall be kept clean and in good repair. No horses, pigs, fowls, or other animals shall be permitted in parts of the barn used for dairy purposes.

The walls and ceilings of all dairy barns shall be white-washed twice each year or painted once every two years, or oftener if necessary, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are milked, the ceiling shall be tight.

411.2. Cow Yard.

All cow yards shall be graded and drained as well as practicable and kept clean.

411.3. Manure Disposal.

All manure shall be stored or disposed of in such a manner as best to prevent the breeding of flies, therein, or the access of cows to piles thereof.

411.4. Milk House or Room: Construction, Etc.

There shall be provided a separate milk house or milk room for the handling and storage of milk and the washing and sterilization of milk apparatus and utensils, provided with a concrete floor. The walls and ceiling of the Milk house or room shall be of such construction as to permit easy cleaning, and shall be painted at least once a year. The milk house or room shall be well lighted and ventilated and all openings effectively screened to prevent the entrance of flies, and shall be so located and conducted as to prevent any contamination to the milk or to cleaned equipment. The milk room shall not open directly into a stable or into any room used for domestic purposes and must be

at least 25 feet away from the privy. Each milk house shall be provided with adequate facilities for the heating of water for the cleaning of utensils. The milk house shall be equipped with stationery wash and rinse vats.

411.5. Toilet.

Every dairy farm shall be provided with one or more sanitary toilets conveniently located, and constructed, operated and maintained in accordance with the recommendations of the State Board of Health, so that the waste is inaccessible to flies and does not pollute the surface soil or contaminated any water supply.

411.6. Water Supply.

The water supply for the milk room and dairy barn shall be properly located, constructed and operated, and shall be easily accessible, adequate and of a safe, sanitary quality.

411.7. Utensils: Construction, Etc..

All containers or utensils used in the handling or storage of milk must be made of non-absorbent material and of such construction as to be easily cleaned, and must be in good repair. Joints and seams shall be soldered flush. All milk pails shall be a small mouth design. All strainers shall be equipped with sterilized single service filter pads.

All containers and other utensils used in the handling, storage or transportation of milk shall between each usage be treated with steam, or dry heat.

All containers and other utensils unused in the handling, storage or transportation of milk shall be stored so as not to become contaminated before being used again.

After sterilization, no container or other milk utensils shall be handled in such manner as to permit any part of the person or clothing to come in contact with any surface with which milk comes in contact.

411.8. Milking: udder, teats, and flanks

The udders and teats of all milking cows shall be clean at the time of milking. The flanks, bellies and tails of all milking cows shall be free from usable dirt at the time of milking.

411.9. Clean Clothing.

Milkers and milk handlers shall wear clean outer garments while working.

411.10. Milk Stools.

Milk stools shall be made of metal or wood and shall be kept clean.

411.11. Removal of Milk

Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the dairy barn.

411.12. Cooling.

Milk must be cooled immediately after milking to 50° F., or less and maintained at or below that temperature until delivered to the consumers

411.13. Bottling and Capping.

Milk shall be bottled from a container with a readily cleanable valve, or by means of a bottling machine. Bottles shall be capped by machine. The machine shall be cleaned and sterilized before each usage. Caps shall be purchased in sanitary tubes and kept therein until used.

411.14. Personnell: Health.

Every person connected with a dairy or milk plant whose work brings him in contact with the production, handling, storage, or transportation of milk, containers or equipment, shall pass such medical examinations as may be deemed necessary by the Health Officer, and every such person shall submit such specimens of bodily discharges as the Health Officer may require. Such examinations may be made by the Health Officer or by a licensed physician approved by the Health Officer.

411.15. Regulations for the Production, Sale and Distribution Pasteurized Milk.

Pasteurized Milk is milk, every particle of which, has been heated to a temperature of 142° F. to 145° F., and held at this temperature for 30 minutes, after which it shall be immediately cooled to below 50° F., and held at this temperature until delivered to the consumer. The bacterial count shall not exceed 25,000 per c.c. Milk delivered to a pasteurizing plant shall either be delivered within two hours after completing of milking without cooling or after the expiration of two hours it shall be cooled to 50° F., or less. Pasteurized milk shall be processed to the following prescribed manner:

Section 412. Rules and Regulations: Milk Plant

412.1 Floors.

Floors of all rooms in which milk is handled shall be constructed of concrete or other equally impervious and easily cleaned material. They shall be smooth, properly drained and provided with trapped drains, be connected with a public sewer.

Satisfactory compliance shall mean floors of good quality concrete or equally impervious tile or brick laid closely with impervious joint material. The floor surface shall be smooth

and sloped so there will be no pools of water standing after flushing the floor. They shall be kept free of organic filth, also litter. Materials and equipment not routinely used in the given room shall not be stored therein.

412.2. Walls and Ceilings.

Walls and ceilings of rooms in which is handled or stores shall have a smooth and washable light-colored surface and be kept clean.

Walls may be constructed of tile, smooth surface concrete or plaster, brick or other equivalent materials with washable light colored surfaces. Walls maybe constructed of wood if the lower 2 feet are constructed of one of the above materials.

412.3. Doors and Windows.

All openings into the outer air shall be effectively screened to prevent the access of flies. Doors shall be self-closing.

412.4. Lighting and Ventilation.

All rooms shall be well lighted and ventilated. Satisfactory compliance for window space in each room of the pasteurizing plant shall be not less than 10% of the floor area of said room and the light should be reasonable and evenly distributed so that all operations and equipment are adequately lighted. Ventilation equipment supplementary to windows and doors should be provided if necessary.

412.4. Protection From Contamination

The various milk plant operations shall be so located and conducted as to prevent any contamination of the milk or to the cleaned equipment. Compliance with these shall be a separate room for pasteurizing, cooling and boiling operations. A separate room for washing and sterilizing bottles, cans and equipment, and a separate room for the storage and refrigeration of milk shall be provided. Raw milk shall not be unloaded directly into the pasteurizing room and the same equipment shall not be used for both raw and pasteurized milk. Rooms in which milk is handled, stored or processed shall not open directly into any stable, living quarters, or any undesirable or unsanitary place.

All rooms shall be of sufficient size for the purpose for which they are intended. Cans of raw milk shall be unloaded into the receiving room separated by a solid or screened partition from the pasteurizing room or upon an outside platform and then pushed through a flap or fan protected opening into the receiving room. No milk shall be unloaded directly from the trucks through open doors into the pasteurizing room. Pasteurized milk shall not be permitted to come in contact with the equipment which unpasteurized milk has come in contact with.

412.6. Toilet Facilities.

Every plant shall be provided with toilet facilities. This

room shall be kept in a clean condition, good repair and be well ventilated. All privies or earth closets shall be of a sanitary type and shall be located at least 50 feet from the milk plant.

Section 412.7. Water Supply.

The water supply shall be easily accessible, adequate and of a safe, sanitary quality. If not a municipal supply, it shall be tested each year or oftener if directed, by the Department of Health.

Section 413. Rules and Regulations, Equipment

413.1. Equipment: piping

Satisfactory compliance shall mean when the milk piping, fittings, and connections are of such a diameter and so designed as to permit easy cleaning with a brush; when the milk piping and connections have a heavy, not readily corrodible, smooth finish, and all sweated connections are soldered smooth and flush when the connections are of such a design as to avoid sharp corners or crevices which are difficult to clean; when all parts of interior surfaces of pipe or fittings (including valves fittings or connections) are of such size and shape as to be addressible either to the sight or to the touch thus making it possible to determine whether they are clean. Bent or dented milk piping shall be considered as violating this item, also couplings or other types of fittings the joints of which are not visible for inspection. Except in small installations at least $1\frac{1}{2}$ -inch piping shall be urged; and when the length of milk pipe lines is reduced to the minimum practicable.

413.2. Thermometers.

Both indicating and recording thermometers shall be used on each vat on which the holding time is not automatically controlled. The pasteurizing equipment shall be so operated that the indicating thermometer and the recording thermometer charts both read at least the temperature which the definition of pasteurization requires, that 142° F., throughout the holding period. The indicating, not the recording thermometers shall be used as an index of temperature by the plant operator. The recording thermometer, shall be kept adjusted so as at no time to read higher than the indicating thermometer.

413. 3. Charts.

All charts should be kept posted for a period of at least 3 months or until O K 'd by an inspector. They should be dated and the position of the recorder numbered if more than one is used. Charts should show a holding temperature of approximately 143° F., throughout the 30 minutes of holding time. Charts shall be used with a length of 1° F., scale division, of not less than one-sixteenth ($1/16$) of an inch between 142° F. and 145° F.

413.4. Pasteurizing Vats or Holders.

All approved equipment shall show in an official test, a deviation between the hottest and coldest particles of milk not

more than 1° F. This requirement may be assumed to have been satisfied in holders equipped with agitators, provided the agitators are so designed as to sweep the milk currents effectively through all zones occupied by the milk, including the outlet port.

413.5. A leak-protector valve shall mean a valve which is provided with a leak diverting device which, when the valve is in any closed position will prevent leakage of milk past the valve. This valve must be used on all vats unless the pipe is left apart beyond the valve during pasteurization. All valves on holding vats must be of a flush type, that is, to avoid pockets in which the milk contained therein will not be thoroughly mixed by the agitator during the process of heating or holding the milk.

413.6. Covers.

All pasteurizing vats shall be provided with a tight, preferable insulated cover which will insure the temperature of the air above the milk being at least 142° F., throughout the holding period. Discharge of the milk into the bottom of the vat will prevent the formation of foam on the top of the milk which is to be desired. The covers of the vat must be so constructed so that nothing on top thereof, will drop into the vat either in an open or closed position. The openings through the cover should have a raised edge to prevent drainage into the opening.

413.7. Construction.

All other containers and equipment with which milk comes in contact shall be constructed in such manner as to be easily cleaned and shall be kept in good repair. This item shall be deemed to have been satisfactory if

All surfaces with which milk comes in contact consist of smooth, not readily corrodible, metal or unbroken vitreous metal.

All joints are soldered flush with the surface or otherwise fitted to avoid open seams, or the surface if vitreous is continuous.

All surfaces with which milk or milk products come in contact are easily accessible for cleaning and are self-draining.

All containers and other equipment are in good repair, free of breaks and corroded places.

The above requirements prevent the use of milk pumps which are not constructed of smooth, not readily corrodible metal, and all parts of which cannot be readily taken apart for cleaning.

The above requirement also prevents the use of any type of equipment so designed as to permit milk routinely to come in contact with threaded surfaces.

In all cases where a rotating shaft is inserted through a surface with which milk comes in contact, the Inspector shall

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assure himself that the joint between the moving and stationary surfaces fit close fitting.

In cases where the thermometer bulbs are inserted through the surfaces with which milk comes in contact, the thermometer bulb shall be provided with a pressure tight seat ahead of all threads or crevices.

Section 414. Rules and Regulations, Containers.

414.1. Cleansing and Sterilization of Containers and Apparatus.

All milk containers and apparatus shall be thoroughly cleansed after each usage and sterilized with steam or other approved method. All milk cans before being returned to the producer shall be thoroughly washed and sterilized.

414.2. This item shall be deemed to have been satisfactory if all containers are thoroughly cleaned after each usage, and all apparatus is thoroughly cleaned once each day on a clean support or in a tank provided for the same (not on the floor). Greasy or rough surfaces shall not be considered sufficiently clean. All demountable apparatus shall be stored on racks when not assembled.

414.3. Sterilization is best accomplished by circulating hot water through the system until the water maintains a temperature of at least 170° F., for not less than 5 minutes; or if steam is used each group of assembled piping shall be treated separately by inserting the steam hose into the inlet and maintaining the steam from the outlet for 5 minutes after the temperature of the steam at the outlet has reached 200° F.

414.4. Small pieces of equipment may be submerged in water at a temperature of 170° F., or more, for at least 5 minutes.

414.5. A chlorine solution may be used and this should be pumped through the equipment for at least 5 minutes. The chlorine solution shall contain 100 parts per 1,000,000 never less than 50 of available chlorine.

414.6. Small plants for which automatic washers may be deemed too large may wash their bottles manually with a power driven brush. Sterilization in this case may be done after rinsing, in a case sterilizer, in a steam cabinet or a cabinet using dry heat. Automatic washers which include a washing solution, hot water, steam or chlorine treatment shall use an alkali solution of not less than 2½%.

414.7. Producers; cans may be washed and sterilized in an automatic washer or can be washed in water (containing a dairy washing powder) with a brush, rinsed in clean hot water and steamed over a jet. In either case, the cans shall be returned to the producer in a sterilized and dry condition.

Section 415. Cooling.

Cooling by all surface coolers shall meet the following specifications. Sections of surface coolers shall be installed so as to leave a gap of at least a quarter inch between the header section to permit easy cleaning. The face of the header below each gap shall be so shaped as to divert condensation away from the tubes.

The bottom through shall be of such length that condensation from the header of the coolers shall not drip therein. The supports of the cooler sections shall be located as to prevent drip therefrom reaching the milk.

Regenerative heater-coolers, if these are used, the construction and operation of the same shall meet with the approval of the health officer.

(The use of tight fitting covers or shields on surface coolers shall be used when it seems necessary to prevent contamination of the milk).

Section 416. Bottle Caps.

Bottle caps shall be purchased and stored only in sanitary tubes and shall be kept therein until used. All caps must be plainly marked with the words Pasteurized Milk and with the name of the licensee.

Section 417. Bottling and Capping.

Bottling and capping shall be done at the place of pasteurization in automatic machinery approved by the Commissioner of Agriculture, in such manner as to prevent any part of the person or clothing from coming in contact with any surface with which the milk comes in contact. Overflow milk shall not be sold for human consumption.

417.1. The term "automatic machinery" is not interpreted to exclude machinery operated by man power but is interpreted to exclude methods in which the bottling and capping devices are not integral in one machine.

417.2. Bottling machine supply tanks and bowls shall be provided with covers which are so constructed as to prevent any contamination reaching the bottler, tank or bowl.

417.3. Bottler floats shall be so designed as to be adjustable without removing the cover.

417.4. Automatically operated bottler infeed conveyers shall be provided with overhead shields from the bottle washer to the bottler feed star to protect the bottlers from contamination.

417.5. Hand capping is prohibited.

Section 418. Repasteurization Prohibited.

No milk shall be pasteurized more than once, except as may be especially permitted by Health Officer.

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Section 419. Personnell--Cleanliness.

All persons coming in contact with milk, containers or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged. Satisfactory compliance shall mean if the outer garments of all milk handlers, including delivery personnel, are reasonable clean. Inside employees must wear washable outer garments especially provided and used for no other than milk-plant duty.

Section 420. Vehicles.

All vehicles used for the transportation of milk shall be so constructed and operated as to protect the milk from the sun and from contamination. Such vehicles shall be kept clean, and no substances capable of contaminating milk shall be transported with the milk in such a manner as to permit contamination. All vehicles used for the distribution of milk shall have the milk license plate of the distributor prominently displayed.

Section 421. Grade a Pasteurized Milk

All grade A milk received in the plant for the purpose of processing and sale as "Grade A" pasteurized milk shall either be received and handled in separate equipment from that which is used for the receiving and handling of pasteurized milk or all "Grade A" milk shall be received and processed prior to the receiving or processing of milk to be sold as pasteurized milk. All "Grade A" pasteurized milk shall not contain more than 25,000 bacteria per c.c. by the A. P. H. A. official plate count method at time of delivery and shall contain not less than 3.75% butter fat.

421.1. Separate recording charts shall be used and kept on file for a period of at least three months or until O.K.'d by the Inspector.

421.2. Pasteurized Grade A Milk shall be sold in bottles with caps covering the entire pouring lip of the bottle and shall be plainly marked "Grade A Pasteurized Milk" with the name of the dealer.

Article 5

Hospitals

Section 501. Records.

501.1. Each and every hospital shall keep a complete record of all patients admitted to the institution, their name, age, and address, together with the name of the doctor who is attending said patient and the disease or injury for which such patient is being treated, together with a record of any and all complications which may arise from or during such treatment. A record shall be kept of the date of admission and discharge of such patient from such Hospital, and in the case of death of any patient, a record shall be kept of the undertaker or person who claims and takes away the body of said patient.

501.2. Such records and said Hospital shall be open at all times to the inspection of the local Health Officer, or his duly authorized representative.

Section 502. Definition.

For the purpose of this Ordinance a hospital is hereby defined to mean any institution or place used for the harboring the reception, care or treatment, (including treatment known as rest cures, physical culture, hydropathic massage, and other forms of drugless treatments) of two or more persons treated at said institution within any six month's period, suffering from or afflicted with any mental or physical disease, bodily injury, alcoholic or drug addiction, or any institution or place for the reception and care, temporary or contingent, of one or more women during pregnancy, while awaiting confinement, during confinement, or for one month or less after confinement while recovering therefrom or from any treatment for which the patient is suffering from a miscarriage, or for the reception and care of children under sixteen (16) years. This section shall not apply to private homes and the care of relatives for which no fee for such care is charged.

Section 503. Licenses.

All such hospitals before receiving patients shall apply to the City Clerk for, and with the approval of the Health Officer and Fire Chief, shall receive a permit, to maintain and operate said Hospital. For said license a fee of Ten Dollars (\$10.00) shall be paid at the time of making said application.

Section 504. Penalty.

Any person or persons who violate the provisions of this Article shall be subject to a fine of not less than Twenty Dollars (\$20.00) for each day which they shall operate said Hospital in violation of the provisions of this Ordinance said fine to inure to the benefit of the City of Auburn and the Municipal Court of Auburn shall have jurisdiction of said offense. Upon conviction for a second offense, the license to operate and maintain said hospital shall be revoked.

Article 6

Garbage and Rubbish

Section 601. Rules and Regulations.

No person shall place or cause to be placed or deposited upon any street sidewalk or other public place in the City, ashes, for collection by the departments of the City until the following requirements have been complied with:

601.1. All garbage shall be separated from other waste and placed in water-tight, flytight containers. Clam shells, lobster shells and such must not be put in with garbage but must be put in containers by themselves for collection with the rubbish.

601.2. Clean ashes, cinders, sand and such other material as is free from organic matter must be placed in containers by itself, and must be kept free from all paper, paper or wooden boxes, tin cans, bottles, etc.

601.3. Refuse other than the above classes must be placed in separate containers and should include such materials as paper or wooden boxes, paper, tin cans, bottles, grass, leaves, bushes, vines, etc.

601.4. Any waste resulting from construction repairs or remodeling and leather scraps, shavings and sawdust shall not be put out for collection.

601.5. Suitable containers must be used which shall be free from nails and sharp edges and shall not exceed 30 gallons capacity per container.

Section 602. Interference with Collection of Rubbish and Garbage

No unauthorized person shall remove any garbage or waste or any portion of same that has been placed for collection by the departments of the City.

Section 603. Private Collection of Garbage.

603.1. No person or persons shall engage in the business of collecting garbage in the City of Auburn unless licensed by the City Council.

603.2. All licenses so granted shall be for a term of one year from the date thereof and a license fee of Six Dollars (\$6.00) per year shall be charged therefor. Any person or persons so licensed shall display in a prominent place on the vehicle used in such collection of garbage, a license plate or tag issued by said City.

Section 604. Penalties.

Any person or persons who shall violate the provisions of this ordinance shall be subject to a fine of not less than Five Dollars (\$5.00) or more than Ten Dollars (\$10.00)

Article 7

Beer

Section 701. Beer Parlor Equipment.

All beer parlors or places where beer is sold for consumption on the premises must be provided with a sink at least twenty-four inches long by water connection, except that a sink and tumbler washer will not be required where beer is sold to be consumed in paper cups. Where such paper cups are used they shall be destroyed or placed with refuse after being used by one person. Where beer is sold for consumption in glasses each glass must be washed after use by one person in soap and water having

temperature of above 130 degrees Fahrenheit and rinsed in water having a temperature of at least 180 degrees Fahrenheit.

Section 702. Drippings.

No person engaged in the sale of beer to be consumed on the premises shall catch or otherwise retain drippings from said beer for the purpose of consumption by any person, but the dripping shall be removed or drained off as waste material.

Section 703. Rubber Connections.

No rubber connections shall be used on any equipment used in the sale of beer for consumption on the premises.

Section 704. Penalty.

Any person who shall fail to comply with any of the provisions of this ordinance shall be subject to a fine not exceeding ten dollars (\$10.00).

CHAPTER 23

Land Subdivisions and Streets

Article 1

General Provisions, Land Sub-Divisions

Section 101. Definition.

For the purpose of this ordinance, the word "subdivision" means the division of a lot, tract, or parcel or land into five or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development.

Section 102. Subdivision Regulation.

In accordance with authorization contained in Section 84 of Chapter 80 of the Revised Statutes of Maine (1944) that the City Council may regulate and restrict the subdivision and development of land, no person shall hereafter subdivide any land within the City limits and unless he has complied with the following requirements:

102.1. Preliminary Map.

He shall submit to the Planning Board a preliminary map in duplicate containing the information required by Section 201 hereof.

102.2. Preliminary Data.

He shall submit to the Planning Board with the preliminary map, preliminary data in duplicate as required by Section 202 hereof.

102.3. Survey.

After receipt of approval of the preliminary map and data by the City Council, he shall cause an accurate survey to be made in accordance therewith, subject to any required alterations and conditions of approval thereof.

102.4. Final Plats.

He shall submit to the City Clerk four final plats thereof and receive approval thereof by the City Council.

102.5. Fee.

When submitting the final plats he shall pay to the City Clerk the sum of \$4 plus \$10 for each acre of land or fraction thereof included within the Plat boundaries, which sum shall include all expenses required for inspection of lands; provided, that the amount paid to the City Clerk shall in no case exceed \$40 for each plat.

102.6. Recording.

He shall have the final plat recorded by the Androscoggin County Registrar of Deeds.

102.7. Compliance With Law.

He shall comply with all applicable provisions of this code and of the State law.

Section 103. Conveyance of Platted Land.

103.1. Recording.

As provided by Section 85 of Chapter 80 of the Revised Statutes of Maine (1944), any plat of a subdivision of land lying within the City be approved by the City Council and such approval entered on the plat by the City Clerk before being filed for record at Registry of Deeds. After certification of enactment of this section to the Androscoggin County Registrar of Deeds, no subdivision of land in such a manner as to require a street or way for access to a lot shall thereafter be filed or recorded until a plat of the same shall have been approved by the City Council. The filing or recording of a plat without the approval required by this section shall be void.

103.2. Penalty.

As provided by Section 85 of Chapter 80 of the Revised Statutes of Maine (1944), whoever transfers or sells or agrees or negotiates to sell any land by reference to or exhibition of or by other use of a plat of subdivision of land into five or more lots before such lot has been approved as provided herein and recorded by the Androscoggin County Registrar of Deeds shall be punished by a fine of not more than \$200 for each lot so transferred or sold or agreed or negotiated to be sold. The City Council may enjoin such transfer or sale or agreement of sale of land within the City.

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Section 104. Denial of Utilities and Building Permits.

As provided by Section 86 of Chapter 80 of the Revised Statutes of Maine (1944), no pavement, public water facility, sewer or other public utility or improvement shall be constructed along any street not on the Official Map of the City, and no permit for the erection of any dwelling, or any other building requiring access from a street shall be issued unless a street or way giving access thereto appears on such map or is approved for such purpose by the City Council.

Section 105. Exceptions.

Any exception to or suspension of any requirement of this ordinance may be granted by the City Council in a particular case upon the recommendation of the Planning Board. Application for such exception or suspension must show: (1) that there are special circumstances or conditions affecting the property in question; (2) that such exception or suspension is necessary for the preservation and enjoyment of a substantial property right of the applicant; and (3) that if granted, it will not be materially detrimental to the public welfare or injurious to other property.

Article 2

Preliminary Information, Land Sub-Division

Section 201. Map.

201.1. Information.

The preliminary map required by Sub-section 102.1 hereof shall contain the following information:

- (a) The name or title under which it is proposed to record the sub-division
- (b) The name and address of all owners of record or subdividers.
- (c) The location, width, approximate grade and radius of curvature of proposed and existing streets, alleys, highways and ways included in the plat together with similar facts regarding the adjacent property.
- (d) The location of all existing features affecting the sub-division, such as railroads, buildings, wooded areas, easements, ditahes, water courses, etc.
- (e) The location and size of the nearest available public sewers, water mains and power lines existing or planned.
- (f) The location, size, and grade of the sewers with which it is proposed to serve the area of the location and description of other proposed means of sewage disposal.
- (g) The approximate dimensions of lots, approximate radii of curves, and the approximate location of all set back lines.

201.2. Topography.

When in the opinion of the Planning Board a topographical map of the area is required, the subdivider shall furnish such map with contour intervals of not more than five feet.

201.3. Scale.

Maps shall be drawn to a scale of not more than 100 feet to the inch except that maps required to show the location of nearest available public sewers or water mains may be drawn to a scale of 400 feet to the inch.

Section 202. Data.

The preliminary data required by Sub-section 102.3 hereof to be filed with the preliminary maps shall contain the following information:

- (a) Sufficient legal description to define the boundaries of the proposed sub-division.
- (b) A written statement or a zoning map indicating the proposed use of the various parcels.
- (c) A description of the improvements to be made.
- (d) Tree planting plans, if any planting is contemplated.

Section 203. Approval.

203.1. Procedure.

Within 10 days after receipt of the preliminary map and data, the Planning Board shall cause such studies to be made as it may deem necessary to examine the proposed data for compliance with this Code, with the Master Plan, and with sound engineering practice. Thereafter, and within not more than 30 days after the data has been submitted to it, the Planning Board shall present the preliminary data to the City Council, together with its recommendation. The City Council shall approve or disapprove the data and the recommendations of the Planning Board, and shall notify the subdivider of its action.

203.2. Time Limit.

Approval of the preliminary data by the City Council shall expire at the end of one year from the date of such approval and the subdivider shall be required to make a new application for approval before proceeding with the final plat, if he has not had said plat recorded within one year from approval data.

203.3. Administration.

After approving the preliminary plat, the City Council shall return one print of the approved plat to the subdivider and shall transmit one print to the City Manager. The subdivider shall then arrange with the appropriate administrative officials for the necessary permits and inspections.

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Article 3

Final Map, Land Subdivisions

Section 301. Submission.

The final map required by subsection 102.4 hereof shall be submitted with the fee required by subsection 102.5 hereof to the City Clerk, who shall refer said final map to the Planning Board.

Section 302. Street Names.

Approval of street names shall be secured from the City Council before inscribing them on the final map.

Section 303. Field Survey.

If the Planning Board determines it is necessary to make a field survey or a detailed check of the mathematical data and computations and setting of monuments, the expense thereof shall be borne by the subdivider.

Section 304. Hearing.

No plat shall be acted upon by the Planning Board without affording a hearing thereon, of which notice shall be published in a newspaper having a general circulation in the City at least five days before the date fixed therefor.

Section 305. Approval.

305.1. City Engineer's Report.

As provided by Section 87 of Chapter 80 of the Revised Statutes of Maine (1944), after the appointment of a City Engineer no plat shall be approved until the Engineer has had opportunity to report thereon in regard to grades feasibility of drainage and sewerage, and character of road surfacing.

305.2. City Manager's certificate to the effect that all required improvements have been installed satisfactorily shall accompany the final plat when presented for approval.

305.3. By Planning Board.

The Planning Board shall examine the map for compliance with the preliminary map and required changes thereof and for compliance with the Master Plan adopted by it, and shall approve, modify or disapprove the plat within 45 days after the submission thereof to it, provided that the applicant may waive this requirement and consent to an extension to such period. Approval by the Planning Board shall be certified on the map by the secretary pursuant to authorization by the Planning Board. If the Board fails to report within 45 days after submission to it, or after any period of extension agreed to as provided for herein, it shall be deemed to have approved such final map.

305.4. By City Council. After the above recommendation the City Council shall approve or disapprove the plat.

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305.5. Effect on Official City Map.

Every plat approved by the City Council shall, by virtue of such approval, be deemed to be an amendment of, or an addition to, or a detail of the Official City Map and a part thereof.

305.6. Distribution of Map Copies.

The four final maps shall be distributed one copy each to the subdivider, the Planning Board, the City Manager and the Androscoggin County Registrar of Deeds.

Section 306. Restrictions.

The City Council on recommendation of the Planning Board, may agree with the applicant upon use, height, area, bulk regulations or restrictions governing building and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective Zoning Ordinance of the City. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as through set out as a part of the Zoning Ordinance or map of the City.

Article 4

General Specifications for Plats, Land Sub-Division

Section 401. Conformance with Master Plan.

401.1. Public Land.

If the Master Plan provides for location within the plat of school or other public building sites, or open spaces for public recreational or other public use, such land shall be offered to the City by dedication or otherwise.

401.2. Streets.

All existing or proposed streets shown by the Master Plan as crossing or bordering on a proposed subdivision shall be laid out in the general location and at the width designated on the Master Plan.

Section 402. Blocks.

402.1. Streets shall be platted a sufficient distance apart to allow for a block width containing two tiers of lots with an alley between.

402.2. No block shall be longer than 900 feet between street lines.

402.3. Where blocks are longer than 600 feet between street lines, there shall be provided public walk-ways and utility easements through and near the center of the block.

402.4. Blocks shall be numbered in consecutive order commencing with the numeral "1" with no omissions or duplications, except that if additional units of a subdivision are filed, the numbering of the blocks shall begin with numerals next higher than used in the preceding unit.

402.5. Every street in the land sub-division shall be marked by permanent monuments at each end and at each intersection with another street as approved by the City Engineer. The location of these monuments shall be shown on the final map.

Section 403. Drainage of Certain Areas.

In a proposed residential subdivision of low-lying lands subject to periodic flooding, or of swampy areas or areas having a high water table, adequate drainage facilities shall be installed.

Section 404. Grades.

Street grades shall in general conform to the terrain, with a minimum of $\frac{1}{2}$ of 1% gradient for drainage purposes, and not exceed 8%.

Section 405. Lots.

405.1. All lots shall face upon a public street.

405.2. The side lines of lots shall be approximately at right angles to the street upon which the lots face.

405.3. All residential lots shall have a street frontage of not less than 50 feet, provided that lots located at the end of a dead-end street or loop may have a minimum street frontage of not less than 20 feet.

405.4. Each residential lot shall contain an area of not less than 5,000 square feet. Actual size and shape of lots, shall be such as the Planning Board deems appropriate for the type of building development contemplated.

405.5. Business lots shall have a street frontage of not less than 25 feet.

405.6. Lots must not be cut by a City boundary line.

405.7. Lots shall be numbered in numerical order commencing with the numeral "1" with no omissions or duplications.

405.8. Corner lots shall be of sufficient width to allow conformance with building lines as established in the Zoning Ordinance.

405.9. Adequate off-street parking space for the intended use shall be provided.

405.10. Property lines at street intersections shall be rounded with a curve having a minimum radius of 10 feet, and curbs there shall be rounded with curves having a minimum radius of 25 feet.

Section 406. Streets: Dead End.

406.1. Turning Area.

Where dead end streets are approved by reason of topography or for other reason, the center line diameter of the turning area at the end of such street shall be not less than 70 feet.

406.2. Length. The maximum length of such streets shall be 400 feet.

Section 407. Streets: Relation to Adjoining Streets.

New subdivisions shall make provision for the continuation of principal existing streets in adjoining or adjacent subdivisions, insofar as in the opinion of the Planning Board the public interest may require. In general, such streets shall be of a width as great as that of the streets so continued or projected. The center lines of such streets shall continue with the center lines of existing streets. In general, the street shall extend to the boundary lines of the subdivision to provide proper access to adjoining property and provide for proper connection with the highway system for contiguous and adjacent land.

Section 408. Streets: Topography.

In general, streets shall conform closely to the natural contour of the land and with appropriate regard for watercourses and other topographical features.

Section 409. Street and Alley Intersection.

Intersections of streets and alleys shall be at an angle of 90 degrees or as close to such an angle as practicable, but in no case less than 30 degrees. Termination of streets at intersections shall be clearly defined.

Section 410. Street and Alley Widths.

410.1. Major Streets.

Widths of major streets shall conform to the widths established by the Master Plan or the Major Street Plan.

410.2. Principal Local Street.

Widths of principal local streets between property lines shall, in general, be not less than 60 feet, with roadway therein not less than 36 feet. Each of the two sidewalk spaces 12 feet wide shall in general be divided into a 6-foot planting space, a 5-foot paved sidewalk, and a 1-foot fence or hedge strip between the property line and the nearest edge of the sidewalk, which strip may be varied in width depending on whether used for utility lines. To facilitate street tree growth, the planting strip between the sidewalk and the curb shall not in general be less than five feet.

410.3. Minor Local Streets.

Widths of minor local streets between property lines shall, in general, be not less than 50 feet, with roadway therein

not less than 27 feet. The remaining widths of $11\frac{1}{2}$ feet each shall in general be divided substantially as provided in subsection 410.2 hereof.

410.4. Alleys.

Widths of alleys between property lines shall, in general, be not less than 20 feet, with 16-foot roadway therein; alley widths shall be increased to 25 feet, with 20-foot roadway therein, in rear of lots platted for business use.

410.5. Sidewalks.

Sidewalks on both sides of the street shall be generally required, except in subdivisions or those portions thereof providing large lots for high-prices residences.

Section 411. Utility Pole Lines.

The subdivider shall provide public utility easements about six feet wide along rear lot lines as necessary to accommodate utility pole lines.

Article 5

Improvements Required, Land Sub-Division

Section 501. Authority.

In accordance with authorization contained in Section 84 of Chapter 80 of the Revised Statutes of Maine (1944) to make requirements as to the extent to which and the manner in which streets shall be improved and drainage and utilities shall be installed as assured as a condition precedent to the approval of a plat or subdivision, the following regulations are hereby established.

Section 502. General.

All improvements required herein shall be in accordance with plans and specifications approved by the City Manager and shall be subject to supervision and inspection by the City Manager.

Section 503. Minimum Standards.

The following minimum standards of improvements will be required as a condition precedent to approval of the plat by the Planning Board or the City Council.

503.1. Streets.

Clearing, grubbing and grading of streets and alleys shall be completed. Grading shall include satisfactory protection of slopes against erosion. Installation of necessary cross-road culverts and other drainage structures shall be completed, but installation of a complete storm sewer system will not be required. All streets shall be surfaced to a width of not less than 22 feet, with material not inferior to a six-inch compacted gravel surface consisting of crushed gravel, clay, and calcium chloride in proper amounts to insure stability.

503.2. Sewers.

Installation of sanitary sewers shall be completed if a useable truck sewer is located within 500 feet of any boundary of the subdivision. If a truck sewer is not so available, any required facilities for the disposal of sewage as approved in the preliminary plan shall be installed.

503.3. Other Utilities.

Water and other utility mains, piping, connections or other facilities shall be installed to the extent practicable, as a condition precedent to the approval of a subdivision.

Section 504. Acceptance of Plat Before Completion of Improvements.

In the event that the improvements required herein have not been completed at the time the final map is presented to the City Council for acceptance, such map shall not be accepted unless the subdivider, prior to or simultaneously with the presentation thereof, shall have complied with and performed the following requirements:

504.1. Plans and Estimates.

The subdivider shall file with the City Clerk detailed plans and specifications bearing the approval of the City Manager for all of the improvements not already completed, together with a detailed estimate made or approved by the City Manager of the cost of such improvements and an estimate of the time reasonably necessary to complete them.

504.2. Contract and Bond.

The subdivider shall enter in a contract with the City to make, install, and complete all the improvements and shall insure completion of the same by filing a cash bond or a faithful performance bond issued by a surety company acceptable to the City Solicitor, in favor of the City of Auburn in a sum equal to the estimated cost of the improvements.

Section 505. Utilities.

A building or land used by a public service corporation may be exempted in part or whole from the regulations contained in this ordinance in accordance with and subject to the terms of Section 84 of Chapter 80 of the Revised Statutes of Maine (1944) and any amendments thereof or acts additional thereto.

Article 6

Street Numbers

Section 601. City Engineer to Designate Street Numbers.

The City Engineer shall, from time to time as the public convenience may require and as the City Council may direct, designate the numbers to be affixed to the buildings on the several streets and squares of the city.

Section 602. Order of Numbering.

In all the streets the odd numbers shall be on the right-hand side and the even numbers on the left-hand side in the progressive order of numbering, commencing with the lowest number and proceeding therefrom with increasing numbers.

Section 603. What to be Numbered.

The main entrance to every house or place of business fronting the street shall be designated with a separate number.

Section 604. Numbers, How Apportioned.

In the residential portion of the City every lot with a twenty-five foot front shall be designated with a separate number, in the business portion of the city every lot with a twelve and a half foot front shall be designated with a separate number.

Section 605. City Engineer to Number Lots.

The City Engineer shall, by the measurement of each street in the City, except where the same are now numbered, determine the correct number of every house or place of business. He shall, whenever requested, give to the owner of every such building a notice and statement giving the name of the street, the name of the owner, the name of the occupant and the number or numbers of the building, together with instruction for procuring and affixing the same.

Section 606. Owner of Affix Numbers.

The owner or proprietor shall, within sixty days after receiving such notice from the City Engineer, cause to be affixed to the main entrance of every house or place of business fronting the street, a metallic or other suitable number at least one and one-half inches in height and placed in such a manner as to be plainly visible and legible from the street.

Section 607. Penalty for Refusing.

In the owner of any building, after receiving such notice from the City Engineer shall fail to comply with any of the provisions of such notice or of this ordinance, he shall be subject to a fine of not less than five dollars nor more than ten dollars.

Section 608. Penalty for Affixing Numbers Different.

Any person who shall affix or suffer to be affixed to, or shall allow to remain upon, any building a different number from the one designated by the City Engineer shall be subject to a fine of not less than five dollars nor more than ten dollars.

Article 7

Laying out, Classifications, Alteration and Discontinuance of Public Streets and Private Ways.

Section 701.

Petitions for the laying out, widening, alteration, discontinuance establishment or change of grade of any public street shall be directed and presented to the City Council.

Section 702. To Contain Description of Proposed Street.

Petitions for the laying out or acceptance of public streets shall contain a general description of the street or way which the petitioners desire to have laid out or accepted, giving the proposed length, width and lines of the same, the lands to be taken, and the names of the owners, if known.

Section 703. To Contain Description.

Petitions for widening, alteration, discontinuance, establishment or change of grade of any public street shall contain a general description of such street or way sufficient to identify it, and give sufficient description and information concerning the proposed widening or alteration, to enable the City Council to intelligently judge of and act upon the same.

Section 704. To be Accompanied By Plan.

Petitions for the laying out or acceptance of a new street shall be accompanied by a plan and profile, showing the proposed length, width and lines of the street or way which the petitioners desire to have laid out and accepted, the abutting lands, with buildings thereon, if any, and the length of the frontage of each estate; the land to be taken and the names of the owners of said lands, and giving such other references to boundary marks and monuments on the premises as to enable the City Engineer to locate such street with accuracy.

Section 705. Proposed Alteration, Etc.

Petitions for widening, altering, establishing or changing the grade of any public street shall be accompanied by an accurate plan and profile of such street, showing the present length, width, lines and grade of the street which the petitioners desire to have widened, altered or of which they desire to have the grade established or changed and shall show in red ink the proposed lines and grade of the same.

Section 706. For Discontinuance.

Petitions for discontinuing any public street shall, if a plan of the same is on file in the City records, refer to the same, and if no such plan is on file, then such petition shall be accompanied by a plan and profile of the same, sufficient to identify it.

Section 707. Proceedings on Streets.

Whenever a petition for laying out, accepting or discontinuing any public street is referred to the City Council it shall forthwith give notice to all parties interested therein of the time and place where it will meet the view the street proposed

to be laid out, accepted or discontinued, seven days at least previous to the time appointed therefor. The aforesaid notices shall contain a **general** description of the street proposed to be laid out, accepted or discontinued.

Section 708. Proceedings at Hearings.

The City Council shall, at the time appointed therefor as provided in the preceding section, proceed to examine the street or way described in the petition and accompanying plan, and shall hear all the parties interested therein desiring to be heard, and it shall determine and adjudge whether public convenience and necessity requires that a new street to be laid out or accepted, as proposed, or whether any previously existing street shall be discontinued and it shall estimate the damage sustained by any person or persons by reason of such laying out, acceptance or discontinuance.

Section 709. Report If Favorable, To Be Accompanied By Plan, Etc.

Whenever the City Council shall determine that any new street shall be laid out or accepted, a accurate plan and profile or such street shall be prepared by the City Engineer, and approved by the Planning Board, showing the length, width, lines, angles, and if the grade is established, the grade of such street, the abutting lands, the length of the frontage of each estate, the lands to be taken; the names of the owners of the same, and the names of all persons in any wise sustaining damage by the laying out or accepting of such street, with the amount of damage proper and reasonable to be awarded to each of them; and the Planning Board shall also report to the City Council the names of all persons in any wise sustaining damage by reason of the discontinuance of any previously existing street, with the amount of damage proper and reasonable to be awarded to each of the persons.

Section 710. Proceedings Upon Report of City Planning Board.

The report of the Planning Board relative to the laying out, or accepting of any public street having been made to the City Council, after the same has been filed for record and recorded by the City Clerk, as provided in the preceding sections, and adopted by the City Council, such public street shall thereafter be established and known as a public street for the use of the City; and any report made to the City Council, as provided in the preceding sections, relative to the discontinuance of any previously existing street having been filed for record and recorded by the City Clerk and accepted and adopted by the City Council, such street shall thereupon be discontinued.

Section 711. City Manager to Widen and Change the Grade.

It shall be the duty of the City Manager, wherever any petition therefore has been referred to him or whenever directed to do so by the City Council, to widen alter or establish or change the grade of any public street, after having given notice and hearing as provided in this Chapter, and for such City Engineer. He shall consider and estimate the damages sustained by any person or persons by reason of such widening, alteration or establishment

or change of grade, and shall make a report of his findings, in writing to the City Council, containing the names of all abutters, with the amount of frontage of each. Said report shall be accompanied by such drawings and plans prepared by the City Engineer or under his direction, as may be deemed necessary to show such alteration or change of grade recommended. Such report shall be filed for record and recorded by the City Clerk, and if the same be accepted and adopted by the City Council, the making and repairing of such street shall be done in conformity to the lines and grades reported in writing as aforesaid.

Section 712. City Council May Act After Report.

The provisions of this ordinance shall in no wise limit the power of the City Council to act on the premises independently after the petition relative to the laying out, acceptance widening, alteration, discontinuance or establishment or change of grade of any street has been referred to it.

Section 713. Private Ways-Petitions For-How Presented.

All petitions for the laying out, alterations, widening or discontinuance of private ways for one or more of the inhabitants of the City, for the hauling of merchandise, hay, wood or lumber, to be used only when the ground is so covered with snow that such hauling shall not break the soil, or for the owners of cultivated lands therein, shall be directed and presented to the City Council which shall give the same notice and hearing thereon as is provided for in Sections Seven and Eight of this Chapter; and if they shall determine that such private way be laid out, they shall determine whether it shall be subject to gates and bars.

Section 714. How Laid Out.

When the City Council shall so lay out a private way, they shall state in their return the purposes for which it is laid out and that it shall be used only in the winter season, and shall order the persons for whose accomodation it is laid out to pay into the City Treasury and amount equal to the damages and expenses of such location for the benefit of the owners of the land over which it is laid, and it shall not be accepted by the City Council until such amount is so paid.

Section 715. Monuments on Bounds of Streets.

Whenever any new street is laid out or accepted by the City Council or under its authority, or when the lines or angles of any previously existing street are altered, changes or extended, the Municipal Officers shall forthwith see to it, that stone monuments or markers are located by the City Engineer and set by Superintendent of Streets, in such manner and in such places that the boundary lines of and angles in such street may be readily ascertained upon the face of the earth.

Section 716.

The several streets of the City of Auburn shall continue to be called and known by the names by which they are now called and known until the same shall be altered by the City Council; and

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the City Council may change or alter the name of any street highway or public place, and said City Council shall establish the names of all streets, highways and public places, hereafter accepted by said City or by any other authority within the City.

Section 717. The Municipal Officers shall cause to be erected and maintained, outside of the thickly settled portions of the City, at all crossings of highways, and where one public highway enters another, substantial guide posts not less than eight feet high, and shall cause to be fastened to and maintained at the upper end on each such guide post a sign on which shall be plainly printed in black letters on white ground the name of the nearest town on the route and all other such places as said Municipal Officers may direct, with the number of miles thereto, and designating the direction thereto; and they shall, within the thickly settled portions of the City, cause signs to be placed upon iron rods or posts or upon buildings at the intersection of streets, designating the names of the streets.

Section 718.

If the street concerned is in a land subdivision as defined in Article 1 to 5 incl. of this Chapter, the said street shall be presented and approved in manner provided for in the above 5 mentioned articles.

Article 8

Plans of Streets

Section 801.

Petitions for the laying out of any public street shall be directed and presented to the City Council upon forms obtained at the office of the City Manager, and when filed, must be accompanied by such plans as are provided for by this ordinance and by Chapter 29 of the ordinances of the City of Auburn.

Section 802.

All plans and profiles submitted to the Planning Board must be on tracing cloth and drawn with waterproof ink. Size of sheets to be 22 x 23 inches. The scale of all plans must be whenever practical, 40 feet to one inch, and the vertical scale four feet to one inch, only one street plan and its profile to be drawn on one sheet.

Section 803.

803.1. Plot plan showing complete lay-out must be submitted on a separate sheet and must not show profiles or other conflicting data. The title of plot plan must show the location, owner's name, scale, feet to an inch, date and name and address of surveyor. The plan must show north point, areas of all lots, restrictions thereon, length of all lot lines, ownership and location of all abutting property, passageways, street lines, fences, walls, buildings, boundary monuments, water ways and natural drainage courses, also angles and distances to nearest established street line.

803.2. All buildings abutting on the proposed streets shall be shown both on the profiles and plans and the station of their side lines given.

Section 804. Acceptance of Streets or Ways As Public Streets.

No street or way less than fifty feet wide shall be laid out and accepted by the City as a public street or way, unless the same shall have been actually recorded in the Androscoggin Registry of Deeds prior to the passage of this ordinance.

Section 805.

No street or way dedicated or constructed prior to the passage of this ordinance shall be accepted nor any street previously accepted be extended in length which is of a width less than forty feet, unless the owners of property adjoining said street shall deed to the City of Auburn sufficient land to lay out a street of a minimum width of forty feet, except as hereinafter provided.

Section 806.

No street or way constructed on private land by the owners thereof shall be hereafter recommended by the Planning Board to the City Council for laying out or acceptance as a public street of the City of Auburn unless previously constructed in accordance with the following specifications which specifications shall constitute the minimum requirements for the laying out and acceptance of such street or way.

Section 807. Specifications.

807.1. The plan and profile of every such street for its entire length shall be filed in the office of the City Manager. The Planning Board shall fix the grades thereof. A copy of said plan shall then be filed with the Engineer of the Sewerage District who shall designate the design, grades and capacity of its sewer system.

807.2. Every such street shall be graded to its full width for the distance for which acceptance is requested, and shall conform accurately to the grades and cross sections determined by the City Planning Board and shown on the plan and profile herein before mentioned. The entire area of every street shall first be 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 City Planning Board. The entire area of the street shall be graded to a subgrade of not less than eight inches for the roadway and four inches for the sidewalk below the finished grade as shown on the plan, profile and cross sections hereinbefore mentioned. After a street has been graded to subgrade a suitable sewer shall be built therein, in accordance with the design, grade and capacity designated by the Engineer for the Sewerage District and under his supervision.

807.3. Such sewer shall be carried to a permanent drainage outlet permanently secured to the City by proper legal agreements, or may be constructed to a public sewer of the City.

Section 808.

No street or way dedicated and constructed prior to the passage of this shall be accepted as a public street until such time all owners of property adjoining said street shall have given to the City of Auburn, a waiver of damages, resulting from any necessary changes of grade.

Section 809.

No street or way dedicated and constructed prior to the passage of this ordinance shall be accepted until a plan of said street is recorded in the Androscoggin Registry of Deeds, and in the office of the City Clerk.

Section 810.

No new street within which there is a private drain or sewer shall be accepted so long as said drain or sewer remains private property.

Section 811.

Any street partially constructed, dedicated and used for public travel prior to passage of this ordinance may be accepted whenever a majority of the abutters in number and value shall in writing petition the City Council of Auburn to improve said street by grading, parking, curbing, graveling, macademizing, paving, or in any other way making a permanent street of the same, or any part thereof, the said petition shall be forwarded to the City Council and the said City Council may then authorize the City Manager to proceed with said improvements. When said improvements have been completed the City Manager shall so notify the City Council, and shall furnish the said City Council with a statement of the cost of said improvements. The City Council shall then proceed to assess one-quarter of the cost thereof on the property adjacent to and bounded on said street in the manner and in accordance with the provisions of Chapter 84 of the Revised Statutes of Maine (1944) and amendments thereto, with the same right of appeal provided therein.

Article 9

The Construction of Driveways for Business, Commercial or Residence Purposes.

Section 901. Permit Required.

It shall be unlawful for any person, firm or corporation to construct a driveway across any public sidewalk, walkway or parkway or into any street or cut any curb for such purpose without first having obtained a permit therefor as required herein.

Section 902. Application.

Application for such permit shall be made to the Superintendent of Streets and shall state among other things, the location, grade and dimensions of the proposed driveway and the purpose for which it is desired. If the proposed driveway

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complies with provisions of this ordinance, the Superintendent of Streets shall issue a permit therefor.

Section 903. Driveways for Business or Commercial Installations.

903.1. No driveway shall exceed 30 feet in width at the outer or street edge of the driveway as illustrated in Plates 1 through 7 attached hereto and made a part of this ordinance.

903.2. All radii of curves of driveways at the point where driveways meet the curb shall be as specified for business and commercial buildings, as indicated by Plates 1 through 7 according to the illustration which is most similar to the proposed construction.

903.3. Not more than two driveways shall be permitted to service one business or commercial installation from one street and then only if the two driveways are at least 30 feet apart as indicated on Plates 3 and 4 attached hereto.

903.4. Any business or commercial establishment located at the intersection of two or more streets and which desires a driveway into two intersecting streets shall construct said driveways so as to comply with the minimum requirements as shown on Plates 5 and 6 according to the illustration which is most similar to the proposed construction.

903.5. No driveway apron shall extend out into the street further than the face of the curb and under no circumstances shall such driveway apron extend into the gutter area.

903.6. At all business or commercial driveway entrances a white line not less than $2\frac{1}{2}$ inches in width, shall be maintained along the entire width of the driveway or ramp to clearly define the sidewalk area.

Section 904. Driveways for Residences.

904.1. No driveway for a residence shall exceed 12 feet at the outer or street edge of the driveway as illustrated on plate 8.

904.2. Residences shall not have more than two driveways.

904.3. Driveways for residences shall also comply with subsection 903.5 as

904.4. All radii of curves of driveways where the same meets the curb shall comply with the requirements as shown on Plate 8.

Section 905. Construction of Driveway.

Every person, firm or corporation who intends or plans to use any portion of the sidewalk as a private driveway shall, if the Superintendent of Streets certifies that the sidewalk area is inadequate for vehicular traffic, reconstruct said sidewalk in such a manner that the sidewalk is capable of carrying vehicular traffic without creating pedestrian hazards and in accordance with the specifications of the Superintendent of streets with respect to slope, drainage, reinforcement, finish and other construction features.

PLATE 1

PARKING LOT

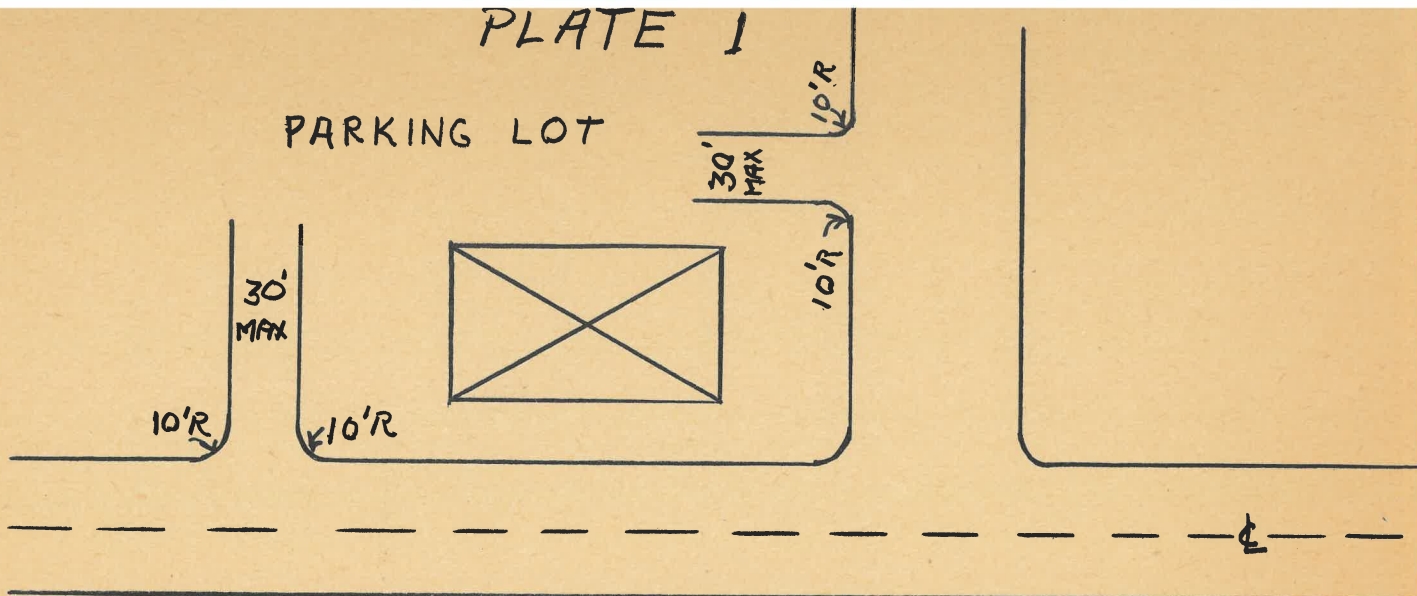


PLATE 2

PARKING LOT

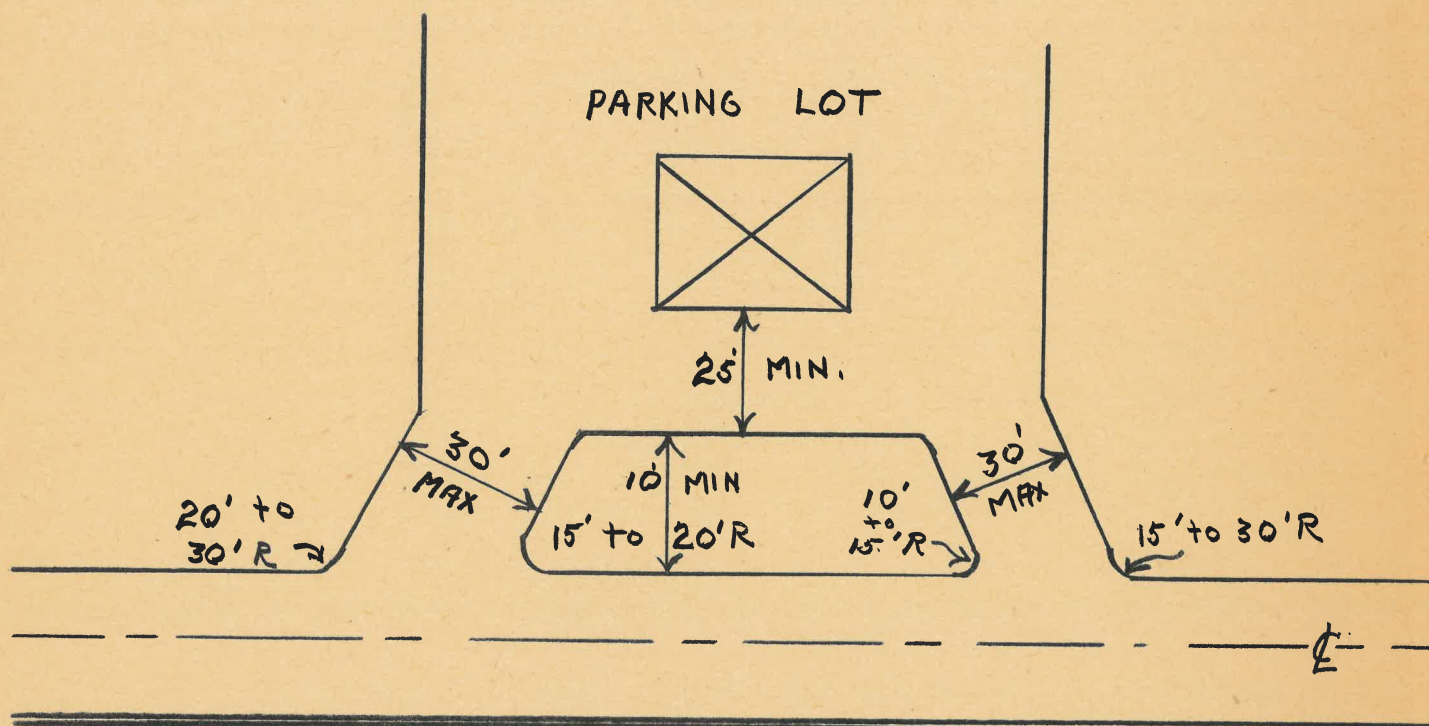


PLATE 3

GAS STATION

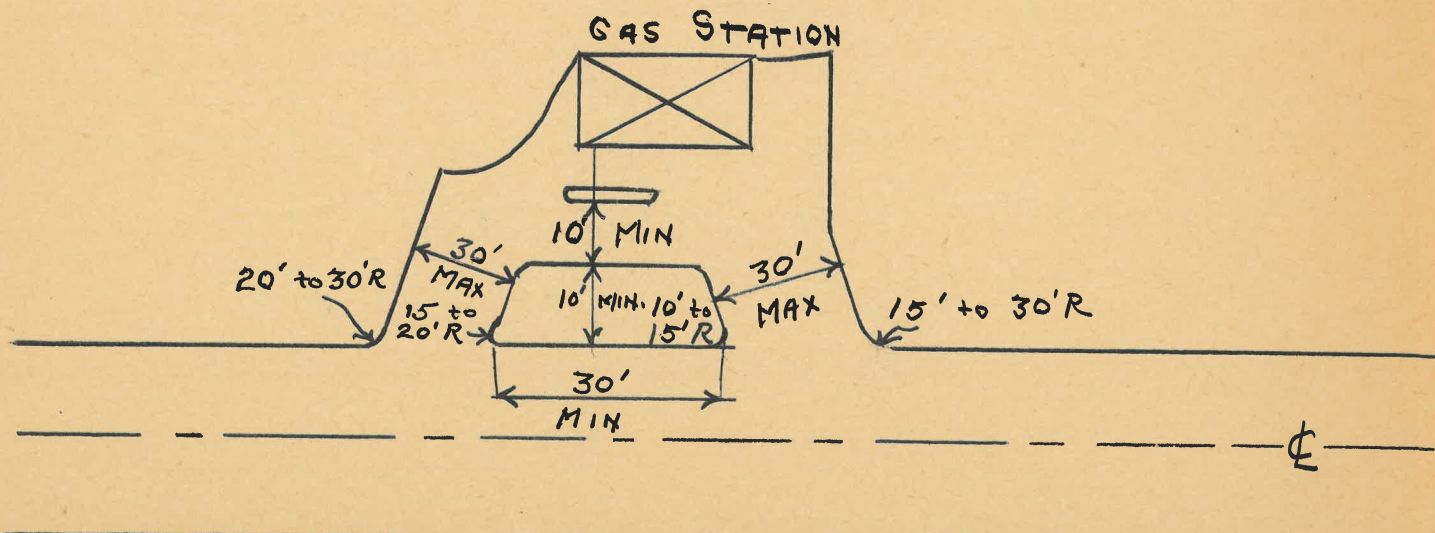


PLATE 4

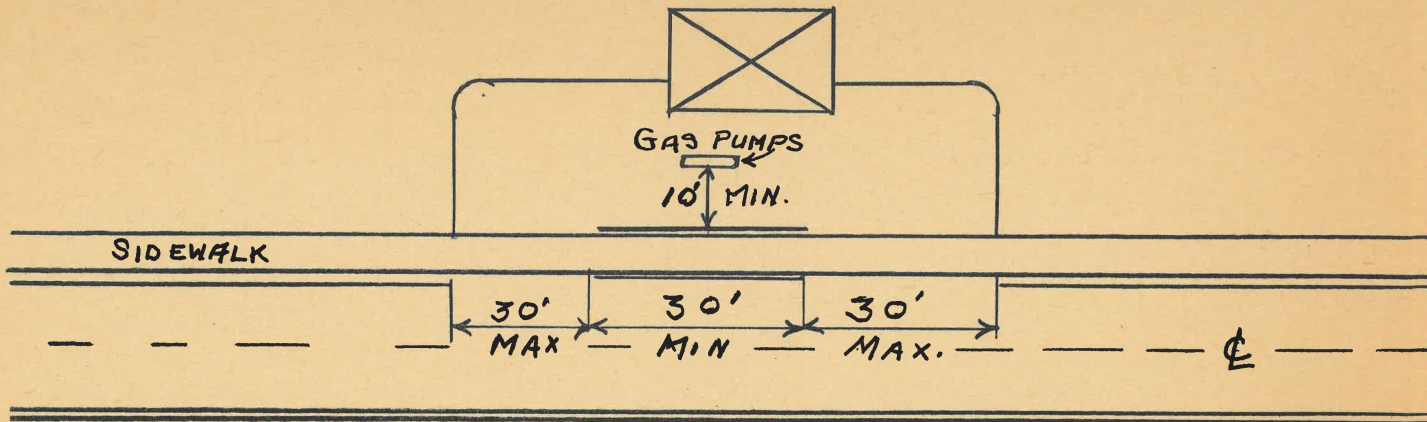


PLATE 5

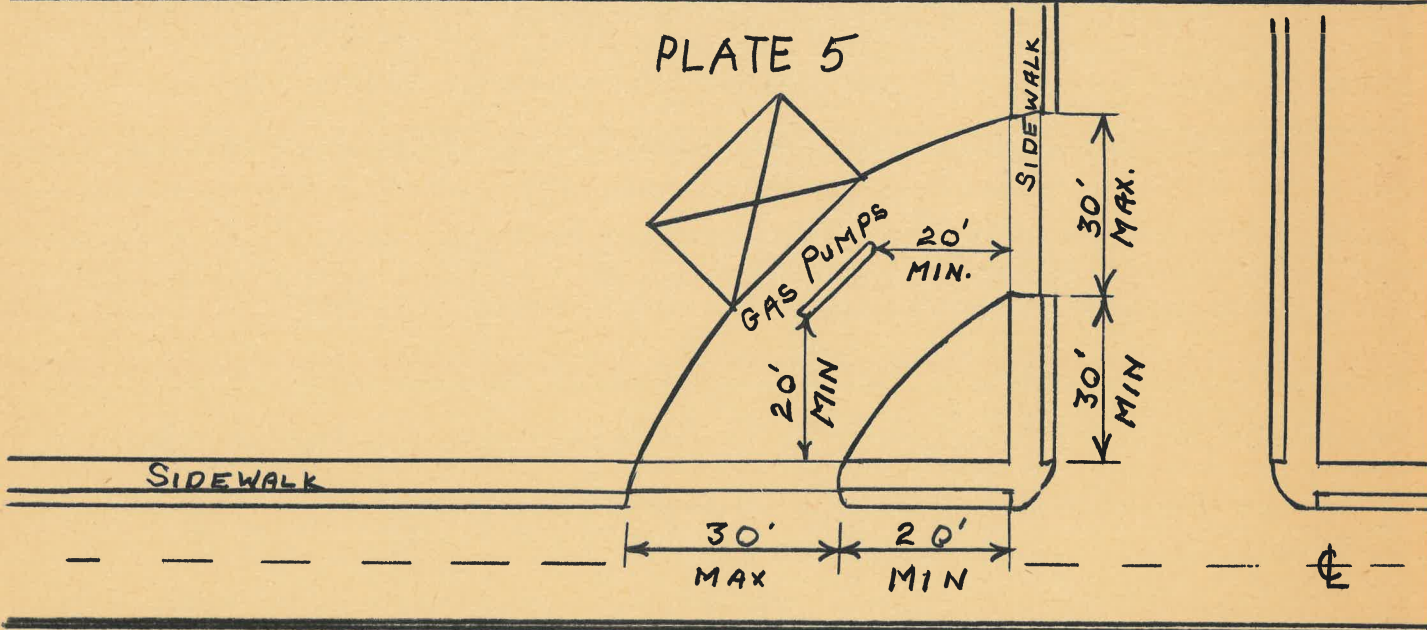


PLATE 6

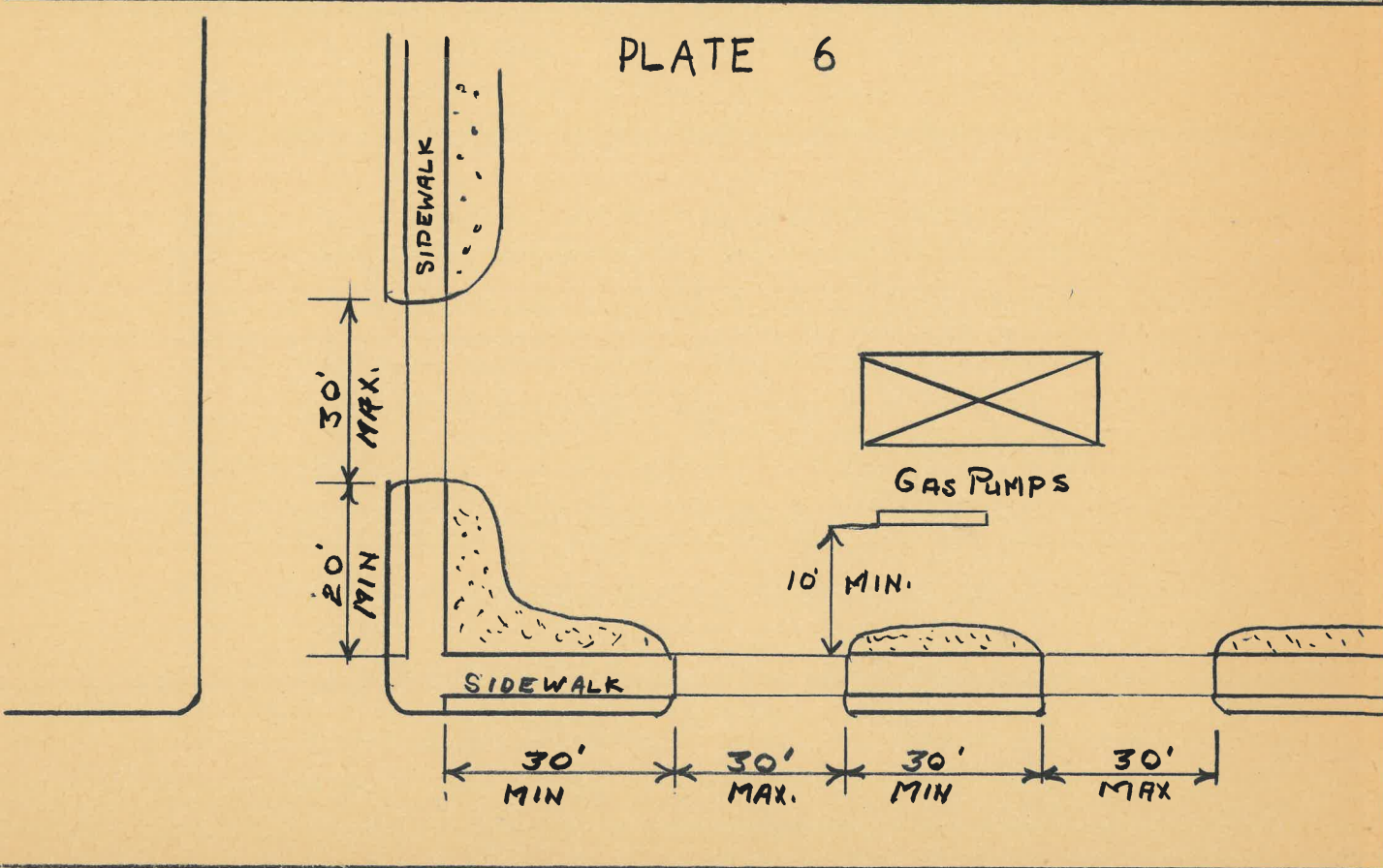


PLATE 7

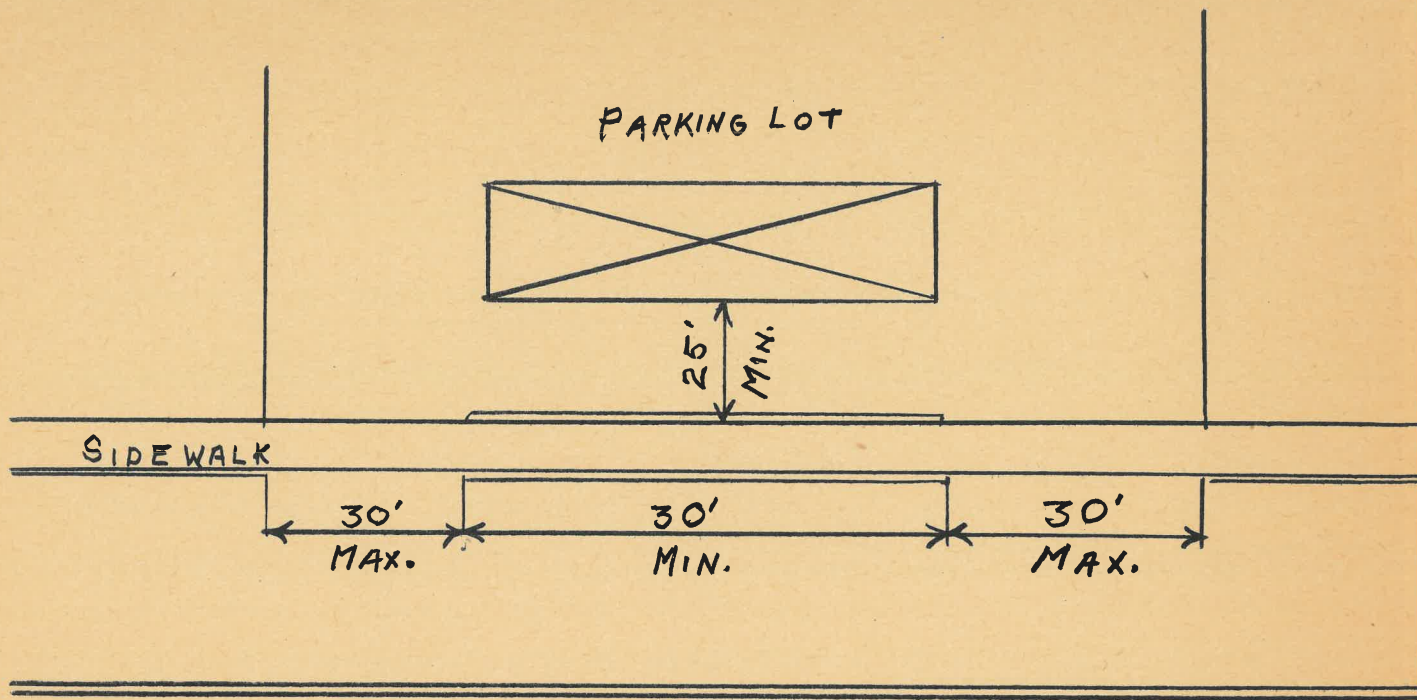
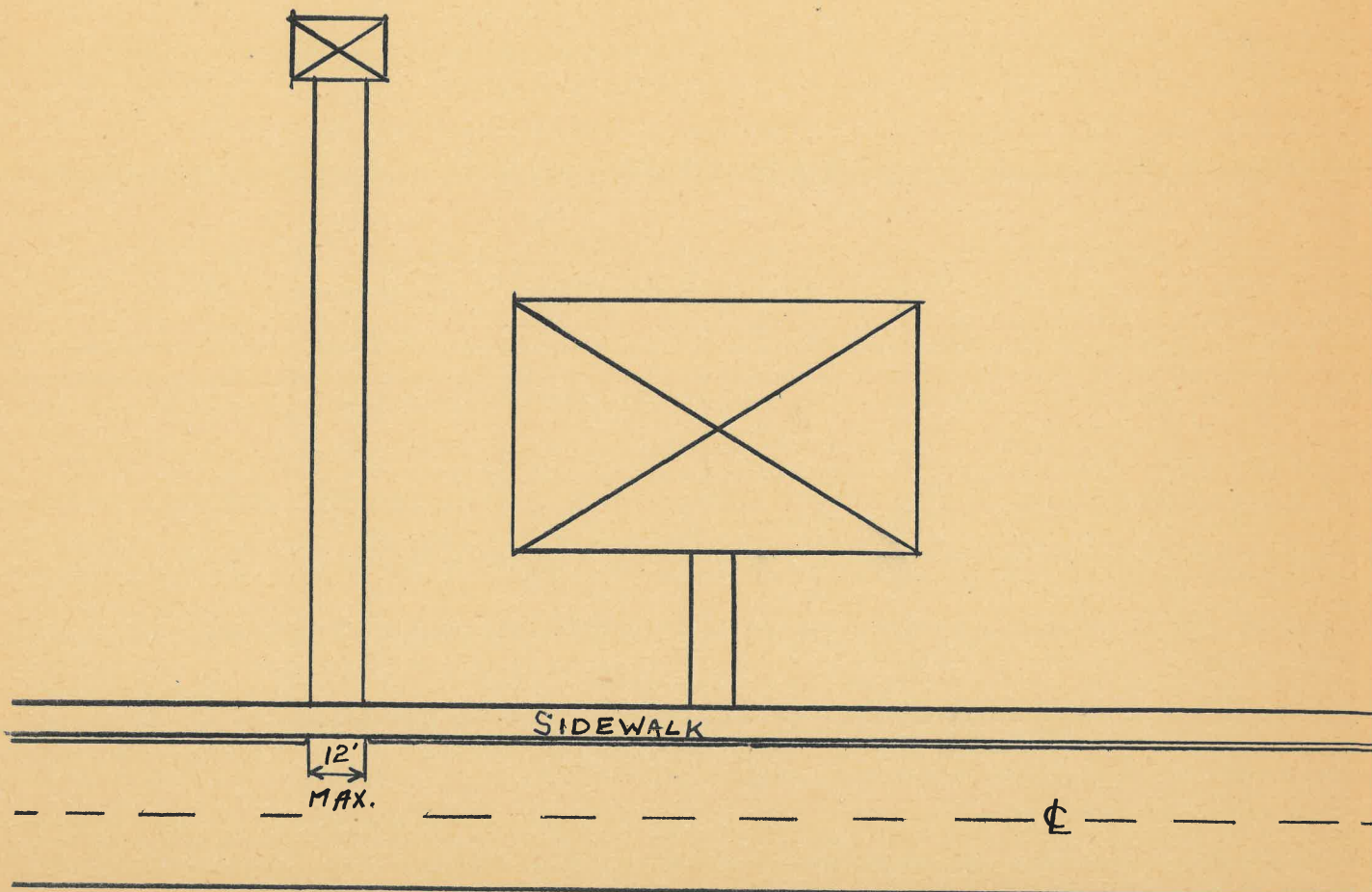


PLATE 8



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Section 906 Present Driveways.

All driveways now existing that do not comply with the requirements of this ordinance shall be altered so as to conform on or before the first day of January, 1953.

Article 10

Sidewalks

The following rules and procedures are adopted for the City of Auburn concerning sidewalks as passed in 1899 by the State Legislature and accepted by City Council, May 1, 1899.

Section 1001.

The City Council of Auburn may require the owner of any lot of ground fronting on a street or way in said City to construct a sidewalk in front of said lot, laid with brick, flat stones, concrete or other materials, as the City Council may prescribe, with suitable curbs, the same to be done under the supervision and to the satisfaction of the Superintendent of Streets, and such sidewalk shall be maintained and kept in repair by the City of Auburn. But no owner shall be required to construct as aforesaid more than two hundred feet in length of sidewalk in front of any unimproved lots in any one street.

Section 1002.

If the owner of such lot shall construct such sidewalk in accordance with the requirement of the City Council, he shall be reimbursed by the City of Auburn for one-half the reasonable expenditure incurred by him in constructing such sidewalk, to be certified by the Superintendent of Streets, and approved by the Planning Board.

Section 1003.

If the owner of such lot shall neglect to construct such sidewalk as aforesaid, and to provide such curb stones, for the space of twenty days after he or the tenant of such lot shall have been thereto required, in writing, by the Superintendent of Streets, it shall then be the duty of said Superintendent of Streets to construct such sidewalk and provide curb stones in the manner prescribed by the City Council as aforesaid, and the City of Auburn shall have a lien on the property for the amount of one-half the expense of said sidewalk and curb, to be enforced in the same manner and with all rights to the parties interested as provided in Chapter two hundred and eighty-five (285) of the Public Laws of eighteen hundred and eighty-nine, entitled "An Act Relating to the Construction of Drains and Common Sewers."

CITY OF AUBURN, MAINE

CHAPTER 24

LICENSES & PERMITS

Article 1

General Provisions

Section 101. General Provisions.

Any person required by the provisions of this Ordinance to obtain from the City a license or permit to engage in the operation, conduct or carrying on of any trade, profession, business or privilege, shall make application to the City Clerk unless other-wise designated upon forms provided by the City and shall state such facts as may be required. Applications shall be accompanied by the required fee, if fee is required, which fee will be returned if the license or permit applied for is not issued.

Section 102. City Clerk's Duty.

As agent of the City Council, the City Clerk is hereby authorized and directed to receive all applications not otherwise provided for, and act thereon with reasonable promptness consistent with the nature of the matter, by either issuing the license as applied for, subject to limitations on his authority as contained herein, or denying same and so notifying the applicant personally or in writing addressed to his address as shown in the application, such notice to state the reason for such denial. If the issuing officer be other than the City Clerk, this issuing officer shall follow the same procedure as that outlined above for the City Clerk in the issuing of licenses and permits.

Section 103. City Clerk; Authority Limitations.

The Authority of the City Clerk to issue Licenses is hereby limited as follows:

103.1. Agent of Council.

The City Clerk acts as the agent of the City Council.

103.2. Council Reservation. Anything in this ordinance to the contrary notwithstanding, the City Council hereby reserves sole power to grant or deny licenses or permits. Certifications by officials and any other restriction in this ordinance are standards set up for the direction of, and limitations placed upon the authority of the City Clerk in the exercise of his powers granted herein as agent of the City Council, and are not to be construed as limitations on or as delegations of power by the City Council. In such specific cases or classes as it may desire at any time, the City Council may assume original jurisdiction.

103.3. Manager's Orders.

The City Clerk shall confer with the City Manager relative to any applications which the City Clerk in his discretion deems

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may not be to the best interest of the City, and shall deny or defer action for a specified period on any license application if so ordered in writing by the Manager.

103.4. Certification.

In all cases where the certification of any City official is required as a condition precedent to issuance of any license of any license or permit by the City Clerk, he shall notify promptly such officer or officers and shall not issue such license or permit until and unless all required certifications are received, as evidenced by signature on the application. Whenever any required certification is refused by the appropriate city official, the license or permit applied for shall be denied.

103.5. Ownership Certificate.

No license shall be issued to partnerships or to persons engaged in business as sole proprietors under any name, style or designation other than their own name exclusively, unless and until such partnerships and sole proprietors have filed certificates in the office of the City Clerk as required by Section 4 and 5 of Chapter 167 of the Revised Statutes of Maine (1944) and any amendments that may be made thereto.

103.6. Certain Applicants.

No license shall be issued any person who is indebted to the City upon any claim, tax or account which is more than 60 days delinquent. The City Treasurer shall be responsible for making available to the City Clerk and other license issuing officers such information as is essential for compliance herewith.

103.7. Conformance with Zoning Ordinance.

No license shall be issued to any applicant for any use at any location where such use is prohibited by the Zoning Ordinance, unless the Building Inspector shall certify on the application therefor that such use is an approved nonconforming use under such ordinance.

Section 104. Appeals.

Whenever the City Clerk denies a license or permit as applied for, such denial may be made the subject of an appeal to the City Council by the applicant if written notice of such appeal addressed to the City Clerk is received by him within 10 days of the date of his written notice of denial. The City Council shall consider such an appeal at its first regular meeting thereafter, or at an earlier special meeting at its discretion.

Section 105. Bonds.

Where the provisions of this ordinance require that the applicant furnish a bond, such bond shall be furnished in the required amount and be approved thereon by the City Solicitor as to legal and financial sufficiency prior to acceptance by the City Clerk. Bonds in amounts over \$500 must be corporate surety.

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All bonds shall be in amount of \$500 unless otherwise specifically stated. All license bonds shall be conditioned as required by state law; if the condition is not so set forth, then as may be required by the City Solicitors.

Section 106. Certifications.

In all cases where certification by any of the following city officials is required as a condition precedent to issuance of a license by the City Clerk such certification shall be based upon actual inspection with 20 days after notification by the City Clerk, and findings as follows:

106.1. Building Inspector.

That the proposed operation complies with all applicable state law and local ordinances, including but not limited to the Building Code and the Zoning Ordinance.

106.2. Fire Chief.

That the premises comply with all applicable state law and local ordinances, including but not limited to the fire prevention ordinance.

106.3. Health Officer.

That the applicant and the premises in which he proposes to conduct the trade, profession, business or privilege comply with all applicable State law and local ordinances relative to health and sanitation, including but not limited to the Health, Plumbing and Sanitation Ordinance.

106.4. Police Chief.

That the applicant is of good moral character, and that the safety and good order will not be affected adversely.

Section 107. Effective Date.

The effective date of all licenses shall be the actual date of issuance thereof by the City Clerk unless otherwise provided for.

Section 108. Exhibition of License or Permit.

Any person to whom a license or permit has been issued shall keep same exhibited at all times in a conspicuous place in the place of business or location for which the license or permit was granted if the business is carried on at a fixed place of establishment; otherwise he shall carry such license or permit on his person when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license is granted. Any person receiving a license shall produce the same for examination when so requested by any City official.

Section 109. Existing Licenses.

All existing licenses duly issued by the City prior to the effective date of this ordinance which cover for a definite period

thereafter and which by their terms expire within one year after the effective date of this ordinance are hereby confirmed.

Section 110. Insurance.

When policies of insurance are required, such policies shall be approved as to substance and form by the City Solicitor; such policies shall be issued by insurance companies duly admitted to transact business in Maine and Public Liability policies shall be at least in the following amounts: (1) bodily injury liability limits of \$5000 for one person and \$10,000 for any number of persons in the same accident, and (2) property damage liability limit of \$1000.

Section 111. Liability.

The City of Auburn assumes no liability in connection with, or as a consequence of the issuance of, any license or permit.

Section 112. Nuisance.

Nothing in this or in any other ordinance shall be construed as authorizing the right of any person to create or to maintain a nuisance.

Section 113. State Applications.

All license applications to the State of Maine which require the consent of the Municipal Officers of the City of Auburn must be approved by the City Council. The City Clerk is hereby authorized to execute such consents on behalf of the City Council after such approval.

Section 114. Suspension or Revocation..

Any license or permit issued by the City may be written notice be suspended by the City Manager, and may be suspended or revoked by the City Council, in either case for cause. The person to whom such license was issued shall have the right to a hearing before the Council on any such action of the City Manager, provided a written request therefor is filed with the City Clerk within 10 days after receipt of notice of such suspension. The City Council may confirm such suspension or revoke or reinstate any such license. The action taken by the City Council shall be final. No refund or any part of a license or permit fee shall be made in connection with the suspension or revocation of any license or permit.

Section 115. Suspension or Revocation; Cause.

The term "cause" as used in Section 14 hereof shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business, or privilege for which a license is granted under the provisions of this ordinance, or on any premises or facilities in connection therewith, which act, omission or condition is:

- (a) Contrary to the health, safety or welfare of the public
- (b) Unlawful, irregular, or fraudulent in nature.

- (c) Unauthorized or beyond the scope of the license granted
- (d) Forbidden by the Provisions of State Law or City ordinance, or any duly established rule or regulation of the City applicable to the trade, profession, business, privilege, act or operation for which the license has been granted.
- (e) The result of failure to comply continuously with all conditions as precedent to the approval of the license.

It is hereby expressly provided that the violation of any of the State Laws pertaining to the operation of motor vehicles, or violation of the City of Auburn Traffic Code, shall be grounds for the suspension or revocation of licenses issued to a driver, but not to an owner of any taxicab guilty of such violation.

Section 116. Term.

The term of all licenses shall be for a period of one year from the effective date, except where the required fee indicates a lesser period or state law requires otherwise. All permits have no term, but terminate at the conclusion of the cause for which they were issued.

Section 117. Transferability.

No license issued under this ordinance shall be transferable unless specifically authorized by the provisions of this ordinance, or by the action of the City Council.

Section 118. Enforcement.

It shall be the duty of the Police Chief to require prompt compliance with the provisions of the ordinance, and to prosecute all violators thereof.

Section 119. Penalties.

Unless otherwise specifically provided by law, the penalty for failure to obtain a license or permit as and when required by this ordinance, is hereby determined to be twice the amount of the required license fee, but not less than \$10 nor more than \$100 for each offense, to be recovered to the use of the City on complaint or by other appropriate action before the Auburn Municipal Court.

Article 2

Licenses, When Required

Section 201. Advertising Vehicle.

Every advertising vehicle with sound devices within the streets and ways of the City of Auburn shall be licensed by the City Clerk with the certification of the Police Chief. This provision shall not include so-called sound trucks used in political campaigns.

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Section 202. Amusement Devices, Mechanical.

The term "Mechanical Amusement Device" shall mean any machine, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pin-ball machines, skill ball, mechanical grab machines and all games, operations, or transactions similar thereto under whatever name they may be indicated.

202.1. Every person firm, corporation or association displaying for public patronage or keeping for operation and mechanical amusement device as defined in the previous sub-section shall get a license from the City Clerk which shall have the certification of the Police Chief.

202.2. No person, firm, corporation or association holding a license under this section shall permit persons under 16 years of age to play or operate any mechanical amusement device as defined above.

202.3. Nothing in this section shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the State of Maine.

Section 203. Auctioneer.

No person shall engage in the trade or business of auctioneer in the City of Auburn without first obtaining a municipal license therefor. Any applicant for an auctioneer's license who is a legal voter of the City of Auburn shall apply for his license to the City of Auburn, and such license shall authorize applicant to be an auctioneer in the City of Auburn and in every town in Androscogging County, -Maine as provided by Section 73 of Chapter 88 of the Revised Statutes of Maine (1944). A special auctioneer's license is required, in addition to the above mentioned auctioneer's license, to sell after sunset.

Section 204. Beano.

No person shall operate a beano or bingo game without first securing a municipal license therefor. This license shall have the certification of the Police Chief. This section or a license granted by this section does not give the licensee permission to operate any gambling game or games that are illegal by law.

Section 205. Bowling Alley; Pool and Billiard Rooms.

No person shall conduct, maintain or operate any place open to the public for bowling or for the playing pool or billiards without first obtaining a license. This license shall require the certification of the Fire Chief, Health Officer, and Police Chief. Such establishments shall not operate and shall be closed to the public between midnight and sunrise. Adopted and accepted are the provisions of Chapter 292 of the Public Laws of the State of Maine (1947) that bowling alleys may be open

and operated between the hours of 2:00 P.M. and 11 P.M. on Sundays. A licensee shall furnish a \$500 surety bond, conditioned as required by Section 56 of Chapter 88 of the Revised Statutes of Maine (1944). Each additional pool or billiard table over two in each establishment shall require a separate license.

Section 206. Carnivals.

No person shall conduct, maintain or operate a carnival without first obtaining a license therefor. This license shall require the certification of the Fire Chief, Health Officer, and Police Chief. This license shall include a Beano or Bingo license, and Merry-go-round license if these concessions of the carnival are owned and operated by the carnival licensee and this carnival license shall not include a Victular's License.

Section 207. Cigarette Vending Machine.

This entire section, including 207.1 and 207.2 was deleted by an amendment past by the City Council on March 5th, 1951.

Section 208. Circus.

No person shall conduct or operate a circus without first obtaining a license thereof. This license shall require the certification of the Fire Chief, Health Officer and Police Chief. This license shall include a Beano or Bingo license and Merry-go-Round license if these concessions of the carnival are owned and operated by the carnival licensee and this carnival license shall not include a victular's license. Each separate concession of the Circus selling food shall required a Victular's license.

Section 209. Dances.

209.1. Promotor.

All promotors and operators of dances shall have municipal licenses. These licenses shall be certified by the Police Chief.

209.2. Dance Halls.

No person shall hold a public dance in a hall unless the hall has a minicipal license. This does not apply to halls in which dances conducted by local governmental or school authorities or organizations. These dance hall licenses shall require the certification of the Fire Chief and Police Chief. If food is sold a separate Victualer License shall be required.

Section 210. Exhibitions, Performances and Shows.

No person shall conduct or operate any exhibition, performance or show at which an admission fee is charged without first obtaining a license therefor. No such license shall be granted except upon certification of the Fire Chief, Health Officer and Police Chief. Either the Fire Chief or the Police Chief, or both, may condition their certificate of approval upon the presence of one or more members of their respective departments or some person or persons satisfactory to and under

the direction of said Fire Chief or Police Chief; in which event such expense shall be reported to the City Clerk as a part of the certificate and collected by the City Clerk prior to the issuance of a license. This provision of the conditional signatures of the Fire Chief and Police Chief shall apply also to the licensing of carnivals and circuses. Any exhibition, performance or show licenses by a section elsewhere in this ordinance shall not be required to get a license under this section, but shall be required to follow all the provisions of this section. No fee shall be charged for events conducted by local governmental or school authorities or organizations, or by local non-profit organizations.

Section 211. Electrician.

No person shall do any electrical work or electrical wiring within the limits of the City of Auburn without first obtaining a license therefor. No such license shall be granted except upon certification of the Board of Electrical Examiners in accordance with the provisions of Chapter 9 of these ordinances.

Section 212. Employment Agencies.

No person shall operate an employment agency for profit or remuneration without first obtaining a municipal license therefor. No such license shall be granted except upon certification of the Police Chief. A licensee shall furnish surety bond in such amount and form as required by section 115 of Chapter 88 of the Revised Statutes of Maine (1944) and as it may be amended thereto.

Section 213. Hospitals.

All hospitals, including nursing and baby homes, as defined in Article 5 of Chapter 22 of these ordinances shall have a municipal license. This license shall require the certification of the Fire Chief, Police Chief and Health Officer. All Hospitals, so licensed, shall conform to all laws and ordinances including, but not only, Article 5 of Chapter 22 of these ordinances.

Section 214. Innholder.

No person shall operate, maintain or conduct an inn, hotel or similar establishments without first obtaining a municipal license. This license shall be a victualer license also. The larger fee shall apply where the innholder and victualer licenses are combined. The said innholder license shall require the certification of the Fire Chief, Health Officer and Police Chief.

Section 215. Itinerant Vendor.

No person shall engage in the business of that of an "itinerant vendor" without first applying for a license to, and making payment therefor, to the City Clerk. No such license shall be granted without filing the required state license with the City Clerk, nor shall license be granted except upon certification of the Police Chief and the Fire Chief. The words "itinerant vender" for the purposes of this ordinance, shall be

construed to mean and include all non-resident persons, both principals and agents, who engage in a temporary or transient business in the City, and who, for the purposes of carrying on such business hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise, or who sell goods, wares and merchandise at retail from a car, wagon or other conveyance. No such itinerant vendor shall be relieved or exempted from the provisions and requirements hereof by reason of associating himself temporarily with any local dealer, trader or merchant, or by conduction such temporary or transient business in connection with or as a part of the business of, or in the name of any local dealer, trader or merchant. The license fee shall be commuted as required in Section 89 of Chapter 88 of the Revised Statutes of Maine (1944). This section shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, or to bona fide sales of goods, wares, and merchandise by sample for future delivery, nor to hawkers or peddlers on the streets or peddlers from vehicles all as provided by Section 88 of the Revised Statutes of Maine (1944), (Chapter 88).

Section 216. Juke Box.

The term "Juke box" shall mean any music vending machine, contrivance or devise which, upon the insertion of a coin, slug, token, plates, disc, or key into any slot, crevice, or other opening, or by the payment of any price, operates or may be operated, for the emission of songs, music or similar amusement.

216.1. Every person displaying for public patronage or keeping for operation any juke box shall get a license from the City Clerk which said license shall require the certification of the Police Chief. Information concerning applicant and machine as required by the City Clerk on the license form shall be furnished.

216.2. No person holding a license under this ordinance shall permit the playing of juke boxes between the hours of 12 o'clock midnight and 7 o'clock A. M. of any day.

Section 217. Junk Dealer.

No person shall engage in the business of junk dealer without first obtaining a license therefor. The work "junk" as herein used shall mean old iron, chain, brass, copper, tin, lead,, or other base metals, old rope, old bags, rags, waste paper, paper clippings, scraps of woollens, clips, bagging, rubber and glass, and empty bottles of different kinds, when less than one gross and all articles discarded or no longer used as a manufactured articles composed of any one or more of the materials mentioned. A license shall be granted only after certification by the Fire Chief, Health Officer and Police Chief, and only upon applicant agreeing to comply with the following conditions:

217.1. All buildings, lots or places wherein junk is placed or kept shall be completely screened from the view from any public street by a sufficient fence, screen or building, and no junk shall be placed so it is visible from any public street.

217.2. The licensee shall keep in a separate book, open for inspection of any public officer, a written record showing the time of purchase of each article purchased by him, a brief description of said article, and the name and residence of the person from whom such article was purchased or received.

217.3. Articles purchase by the licensee shall be retained by him in an accessible place for at least fifteen days where such articles can be examined and inspected, before said articles are disposed of.

217.4. No licensee shall purchase or receive any article (1) between the hours of 7:00 P.M. (2) on any Sabbath, (3) from any person under the age of 17 years, without the written consent of parent or guardian, or (4) from a person known or suspected to be a thief or a receiver of stolen property.

217.5. A license is required for each place or premises where said business or any part thereof, including storage, is conducted, the particular place licensed. No licensee shall engage in said business in any manner at any place without first obtaining a license for each such particular place.

The Police Chief shall be responsible for inspection of all junk yard periodically, and shall report immediately to the City Manager any violation of the above license conditions.

No automobile junk yards, or so-called "auto graveyards" shall be established, operated or maintained within the City limits.

Section 218. Lodging Houses.

No person shall operate a lodging house where lodging are let to 5 or more lodgers without first obtaining a license from the City Clerk. This license shall require the certification of the Fire Chief, Health Officer and Police Chief. The term lodger shall not be deemed to include persons within the 2nd degree of kindred to the person conducting a lodging house. The term lodging house shall not be deemed to include the dormitories of charitable, educational, or philanthropic institutions, nor to the emergency use of private dwelling-houses at the time of conventions or similar public gatherings. As provided by State Law no fee shall be charged for the licensing of lodging houses.

Section 219. Merry-Go-Round.

No person shall operate or run a merry-go-round or steam-riding gallery in this City without first obtaining a license therefor. The license, however, as provided by Section 62 of Chapter 88 of the Revised Statutes of Maine (1944) shall not exempt the operator from complaint to the Superior Court for maintaining a nuisance under the provisions of Section 9 of Chapter 128, of the Revised Statutes of Maine (1944). No such license shall be issued except with certification of the Police Chief and the Fire Chief. The penalty for operating without a license is \$5 for each and every day any person so operates or runs a merry-go-round, as provided by Section 63 of Chapter 88 of the Revised Statutes of Maine (1944).

Section 220. Motion Picture Houses; Theatres.

No person shall operate a motion picture house or a theatre without first obtaining a license therefor. No such license shall be granted except on certification of the Fire Chief, Health Officer and Police Chief. The payment of a motion picture house or theatre license fee shall be considered total payment for all licenses and permits required of said motion picture house under this ordinance. Any other license required by the City under this ordinance must be applied for, but if granted shall be issued by the City Clerk without charge and without requiring any bond therefor.

Section 221. Oil Burner Installors and Servicemen.

221.1. A Board of Examiners for oil burner master, journeymen and servicemen is hereby established. The Board shall consist of four members, one of whom shall be the Chief of the Fire Department, ex-officer. The remaining three members shall be appointed by the City Council at the first regular meeting of the Council in February and shall assume office on the First of March following. The said three members shall be oil burner Masters, Journeymen or Servicemen. They shall hold office for a term of three years except in the first appointment one shall be appointed for a term of one year; one for a term of two years, and one for a term of three years. Vacancies on the Board caused by death, sickness or removal shall be filled by the City Council for the unexpired term.

221.2. The Fire Chief shall be the Chairman of the Board and during the month of March each year the Board shall elect its own secretary and shall file a certificate thereof with the City Clerk.

221.3. The Board shall supervise and control the examination and licensing of persons desiring to engage in the business of installing, repairing and servicing oil burners in the City of Auburn. The Board may from time to time adopt such rules and regulations as it may deem necessary for the transaction of its business, conduct of examinations and the establishment of standards to be obtained for the various classes of licenses. The Board shall meet at least once during each month for the examination of applicants for licenses or certificates or for the transaction of any other business. It shall examine all applicants as to their knowledge and understanding of the rules and regulations for the installation of oil burner equipment and appliances and the proper repairing of the same, as may from time to time be set forth in the rules of the National Board of Fire Underwriters, for the purpose of determining the general qualifications and fitness of such applicants to execute the class of work covered by the license applied for. It shall certify to the City Clerk the applicants approved for licenses. It shall have the power to revoke any license issued by it for good cause and after hearing as hereinafter prescribed.

221.4. Three forms of licenses or certificates shall be issued by the City Clerk upon the certification of the said Board as follows:

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(a) Any person who by examination or otherwise demonstrates to the Board his qualifications and fitness to install, repair and service and to supervise the work of others in the installation, repairing and servicing of all types of oil burner equipment shall be entitled to a Certificate A or Master's license. Only holders of Certificate A and a person installing his own equipment in his own home shall be entitled to secure permits for installing, altering and repairing oil burner equipment.

(b) Any person who by examination or otherwise demonstrates to the Board his qualifications and fitness to install, repair and service all types of oil burner equipment under the general supervision of a holder of Certificate A or Master's license, shall be entitled to a certificate B or a Journeyman's license.

(c) Any person who by examination or otherwise demonstrates to the Board his qualifications and fitness to install, repair and service vaporizing tube oil burning equipment using natural draft shall be entitled to a Certificate C or Special License.

221.5. All applicants for licenses shall be made to the City Clerk. If the applicant has held a similar license from the City of Auburn to what he is applying for at anytime during the past two years the City Clerk shall grant him a license upon the payment of the fee. If the applicant has not been so-licensed by the City of Auburn within the past two years his application shall be accompanied by the required fee plus one dollar to cover the cost of taking an examination before the Board. If the applicant fails to pass the examination for a license he may upon the payment of one dollar take a second examination anytime after 30 days have passed since his first examination. A third examination cannot be taken by the applicant for at least a year from the date of his second examination. If the applicant fails to pass his examination and thus is not issued a license his fee shall be returned but the one dollar collected for each examination shall be retained to cover the expense of examining the applicant.

221.6. No certificate or license issued under the provisions of this ordinance shall be assignable or transferable. Upon presentation to the Board of evidence that the holder of any certificate or license has wilfully and persistently violated any provisions of this ordinance or the rules, regulations and requirements of the National Board of Fire Underwriters or is incompetent to comply therewith and to perform the work for which he is licensed, the Board shall fix a time and place for a hearing in consider the charges and shall thereupon give notice in writing to the holder of said license or certificate of such charges and of the time and place of a hearing thereon at least five days before the date of said hearing. The Board will make its own rules for the conduct of hearings before it and may put witnesses on oath. If, after hearing the holder of said license or certificate, shall be found to have wilfully and persistently violated the provisions of this ordinance or the rules, regulations and requirements of the National Board of Fire Underwriters or shall be found to be incompetent to perform the work for which he is licensed, then the Board may revoke or suspend the license or certificate which he holds and no new license shall be granted to said person until after a new examination and until at least ninety days shall have elapsed since the time of revocation or suspension.

221.7. All holders of Certificate A shall keep them displayed in a principal office or place of business; and all holders of Certificates B and C shall carry the certificates while they are engaged in doing work covered by the certificates and shall exhibit same on request of any municipal officer.

221.8. The provisions of this section shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any oil burner appliances or devices, for damage or injury to any person or property, nor shall it be construed to impose on the City and liability by reason of the inspection of installation or by reason of any certificate or license issued hereunder.

221.9. No person shall engage, participate, enter into any work or business of installing and servicing of oil burners or parts thereof, within the limits of the City of Auburn, unless licensed in accordance with this section. This shall not include an owner installing oil burner equipment in his own home personally. Each day any person, or employee, thereof, or any representatives or any member or officer of a firm or corporation individually enters or engages in the business and work herein before defined in this section without having complied with the provisions of this section shall constitute a separate offense. Whoever violates this section shall be liable to a fine not exceeding twenty dollars.

Section 222. Peddlers and Hawkers.

No person shall engage in the business of hawking or peddling of goods, wares and merchandise at retail within the City limits without first obtaining a license therefor. No such license shall be granted except upon certification of the Police Chief. This does not apply to commercial agents or other persons selling by samples, lists, catalogues, or otherwise, goods, wares, or merchandise for future delivery; to persons selling fish, or to person selling farm, dairy, or orchard products of their own production, or to persons selling bar, wood or forest products, or to persons selling newspapers or religious literature, or to persons selling Christmas trees, Christmas wreaths, Christmas greens or Christmas cards or seals.

Section 223. Photographer, Itinerant.

Any person who practices the profession of an itinerant photographer, as defined in Chapter 88 of the Revised Statutes of Maine (1944) as amended by Chapter 434, Section 3, Public Law (1949), within the City of Auburn shall obtain a license from the City Council. The application of the license to the City Council shall carry the recommendation of the Police Chief. No license shall be issued unless the applicant has a State license for Itinerant Photographer.

Section 224. Public Automobiles: Commercial Types.

No person shall engage in the trade or business of operating any vehicle for the purpose of transporting or moving any property or goods, for hire or reward, whether by contract or otherwise, without first obtaining a license for each vehicle so operated. No such license shall be granted except upon certification of the Police Chief. In the case of a refuse or garbage

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collector, no license shall be granted except upon the certification of the Health Officer in addition to the Police Chief, and such license shall be conditioned upon compliance with the following:

224.1. No collector of refuse shall so load and operate the vehicle which is collecting and transporting refuse of any type in such a manner that any material of any kind whatsoever shall spill or fall upon the public streets or alleys. No person shall deposit refuse anywhere except at an officially authorized public dump, subject to such exceptions as the Health Officer may grant as to all types of refuse except garbage.

Section 225. Roller-Skating Rinks.

Every person who keeps a roller-skating rink or room shall obtain a license therefor. No such license shall be issued without the certification of the Police Chief, the Fire Chief and the Health Officer.

Section 226. Second-Hand Dealer: Incl. Pawnbroker and Antiques.

No person shall engage principally in the business or occupation of dealing in second-hand or used personal property, or in the business of a pawnbroker, without first obtaining a license therefor. No such licenses shall be granted except upon the certification of the Fire Chief and Police Chief. No licensee shall purchase or receive any article (a) from any person under the age of 17 years, without the written consent of parent or guardian, or (b) from any person known or suspected to be a thief or a receiver of stolen property. Every licensee shall keep a record of all persons with whom he does business and of all property coming into his possession together with a record of the disposition of each article, which record shall be kept available for examination of any city official.

Section 227. Shooting Galleries.

No person shall conduct, maintain or operate any shooting gallery which is open to the public without first obtaining a license. No such license shall be granted except upon certification of the Fire Chief, Police Chief, and Health Officer. Every person so licensed shall, at the time he receives his license, give bond to the City in the sum of \$500, conditioned as required by Section 56 of Chapter 88 of the Revised Statutes of Maine (1944).

Section 228. Victualers.

No person shall engage in the business of selling at retail any food commonly consumed by persons without first obtaining a license therefor. No such license shall be granted except upon certification of the Fire Chief, Health Officer and Police Chief.

A licensee shall furnish surety bond in amount and form as required by Section 27 of Chapter 88 of the Revised Statutes of Maine (1944). Every victualer has all rights and privileges and is subject to all the duties and obligations of an innkeeper, except furnishing lodging for travelers, as provided by Section 30 of Chapter 88 of the Revised Statutes of Maine (1944).

Article 3

Permit & License Fees

Section 301. Licenses: City Clerk.

Schedule One, below shows the licenses issued by the City Clerk. The column entitled Reference gives to chapter and section where further explanation may be found on that license. Unless otherwise indicated the licenses are for one year.

SCHEDULE 1

<u>Type of License</u>	<u>Amount of Fee</u>	<u>Reference</u>
Advertising Vehicle (per day)	\$ 5.00	24:201
Advertising Vehicle	50.00	24:201
Amusement Device, Mechanical	1.00	24:202
Auctioneer	5.00	24:203
Auctioneer, Special	10.00	24:203
Automobile Graveyards	State Law	State Law
Beano or Bingo (per day)	1.00	24:204
Billiard and Pool Room	10.00	24:205
Each table over two	5.00	24:205
Bowling Alley	15.00	24:205
Boxing Exhibition (Single Performance)	25.00	24:210
Carnivals (per day)	25.00	24:206 & 210
Circus	50.00	24:208 & 210
Dances (promotor) (per day)	2.00	24:209
Dances (promotor) (for three months)	7.00	24:209
Dances (promotor)	25.00	24:209
Dance Hall	25.00	24:209
Exhibitions, Performances & Shows (per day)	5.00	24:210
Electrician, A (Master)	5.00	24:211
Electrician, B (Journeyman)	2.00	24:211
Electrician, C (Serviceman)	2.00	24:211
Employment Agencies	25.00	24:212
Garbage Collection	6.00	22:603
Hospitals	10.00	24:213
Innholder (not selling spirituous liquor)	10.00	24:214
Innholder (selling spirituous liquor)	50.00	24:214
Juke Box	1.00	24:216
Junk Dealer, principal premises used.	15.00	24:217
Junk Dealer, each additional premises.	5.00	24:217
Lodging House	no fee	24:218
Merry-Go-Round (per day)	5.00	24:219
Merry-Go-Round	50.00	24:219
Motion Picture Houses; Theatres		
(Seating Capacity under 1000)	50.00	24:220
(Seating Capacity 1000 or more)	75.00	24:220
Oil Burner A, Master	5.00	24:221
Oil Burner B, Journeyman	2.00	24:221
Oil Burner C, Special	2.00	24:221
Pawnbroker	25.00	24:226
Peddlers and Hawkers	10.00	24:222
Photographer, Itinerant	25.00	24:223

SCHEDULE 1 (con't)

<u>Type of License</u>	<u>Amount of Fee</u>	<u>Reference</u>
Public Automobile; Commercial Type	\$10.00	24:224
Pumps, Sidewalks (per pump)	5.00	27:115
Roller Skating Rink	25.00	24:225
Second Hand Dealer; Antiques incl.	10.00	24:226
Shooting gallery	10.00	24:227
Taxicab	10.00	26:803
Taxicab, New Card or Transfer	1.00	26:803
Taxi Driver	2.00	26:806
Taxi Driver, New Card	.50	26:806
Victualer (Soda Fountain or Luncheonette)	5.00	24:228
Victualer (not selling beer)	10.00	24:228
Victualer (selling beer)	20.00	24:228
Wrestling Exhibition (Performance)	25.00	24:210

Section 302. Other License Fees.

Schedule two, below, shows a list of licenses issued by persons other than the City Clerk. The Column entitled Reference gives the chapter and section where further explanation may be found on that license. Unless otherwise indicated the licenses are for one year.

SCHEDULE 2

<u>Type of License</u>	<u>Amount of Fee</u>	<u>Reference</u>
Barber Shops	\$ 1.00	22:303
Beauty Parlors	1.00	22:303
Itinerant Vendor	state law	24:215
Plumbers, Master	5.00	22:202
Plumbers, Journeyman	2.00	22:202

Section 303. Permits.

Schedule three, below, shows a list of permits required by the City of Auburn. The permits are for an indefinite period of time unless stated otherwise on the permit or by ordinance. The column entitled Reference gives the chapter and section where further explanation, including the issuing officer, may be found on that permit.

SCHEDULE 3

<u>Type of Permit</u>	<u>Amount of Fee</u>	<u>Reference</u>
Assemblage, In Street	no fee	27:104
Automobile Tire Rebuilding Plant	no fee	21:701
Blasting	no fee	27:108
Bonfires	no fee	21:501

SCHEDULE 3 (con't)

<u>Type of Permit</u>	<u>Amount of Fee</u>	<u>Reference</u>
Building Permits		20:301 et seq.
Up to \$100	\$ 1.00	
\$100 to \$500	2.00	
\$500 to \$1000	3.00	
\$1000 to \$5000	5.00	
each additional \$1000 or part of	1.00	
Maximum	50.00	
Buildings, Moving (over street) (permit from		
Up to \$500	Bldg. Insp.) 5.00	
\$500 or more than	10.00	
Bulletin Boards	no fee	27:109
Business in Street	no fee	27:110
Chemicals, Storage of	no fee	21:106
Combustible materials	no fee	21:106
Doors, on Sidewalk (cost)	no fee	27:118
Dumps, Private	no fee	25:106
Dumps, Removing Material	no fee	25:106
Electrical Inspection, Minimum	1.00	9:116
Inspection of Cottage house or single	1.00	
Inspection of apartment or ten-(floor		
ement house, two or more floors	1.50	
Inspection of business block or hotel	2.50	
Excavation near Street	no fee	27:125
Excavation; Street (no fee cost sch.)		27:126
Sheet asphalt, wood block, brick, and		
granite, block, all on concrete base		
per square yard	6.00	
Granite block on gravel, base,		
bitulithis, and concrete (Sq. yd.)	3.50	
Broken stone and other similar pavement	2.50	
Bituminous Surface (Sq. yd.) (sq.yd)	2.50	
Treated gravel, or untreated surface "	1.00	
Untreated shoulder, not exceeding 50 "		
(per sq. yd.), plus actual cost of repairs		
for any amount exceeding 50 sq. yd.	.50	
Explosives	no fee	21:402
Firearms	no fee	27:129
Fireworks	no fee	27:130
Flammable decoration	no fee	21:501
Flammable liquids	no fee	21:503
Garages	no fee	21:201
Handbills, Stickers, Samples, etc.	no fee	25:107
Marquee	5.00	27:150
Milk Dealers	no fee	22:404
Nitrocellulose Motion picture films	no fee	21:802&27:208
Special Permits	no fee	27:212
Oil Burners (Inspection and Permit)	1.00	21:901
Openings in Street or Sidewalk	Cost	27:148
Parades	no fee	27:173
Pipes and underground wires	See excavation	27:126&28:202
Plumbing	state law	22:203

SCHEDULE 3 (con't)

<u>Type of Permit</u>	<u>Amount of fee</u>	<u>Reference</u>
Poles, Public Utilities & others	no fee	28:203
Raising or Lowering Objects over street	no fee	27:156
Signs	2.00	27:150
Soliciting on Streets	no fee	27:176
Swine within City Limits	no fee	25:102

CHAPTER 25

NUISANCES AND ANNOYANCES

Section 101. Nuisance Forbidden.

No person shall commit, create or maintain any nuisance.

Section 102. Animals.

102.1. No person shall harbor or keep any swine within the limits of the City, except by written permit from the Health Officer.

102.2. No person shall harbor or keep any animal or bird which causes annoyance to the neighborhood, either by:

(a) Barking, howling, or making other sounds common to its species; or

(b) Failure of the owner, caretaker or custodian to maintain in a clean and sanitary condition, devoid of rodents and vermin, and free from objectionable odor, all structures, pens, coops, or yards wherein any animal is kept.

102.3. No person shall permit any vicious dog of which he is the owner, caretaker or custodian to be unconfined unless securely muzzled and led by a leash.

102.4. No person shall deposit, place or throw any dead or fatally sick or injured animal, or part thereof, on any public or private place.

102.5. No person shall carry or convey any dead animal through or upon any street or public place unless the same is so covered that no part of it is exposed to view and no odors can emanate therefrom.

102.6. When any animal dies on the premises of the owner or person in charge of such animal, he shall dispose of such animal immediately.

102.7. When any animal is found dead or dying on the private premises of any person not the owner or person in charge of such animal, or is so found in any public street or place, any person having knowledge of the matter shall report the facts immediately to the Police Department, and the Police Department shall take charge of the animal forthwith. If be license or otherwise, the

owner of said animal is known to the Police Department, said Department shall notify at once such owner, who shall immediately dispose of the body. If the owner is unknown, the Police Department shall dispose of the animal forthwith.

102.8. Any female dog in heat that is running at large and is not held on a leash shall be considered a nuisance and may be killed by any police officer.

102.9. The penalty for violation of any provision of this section shall be not less than \$3 and not more than \$20, to be recovered by complaint to the Auburn Municipal Court.

Section 103. Automobile Dumps or Automobile Graveyards.

All automobile dumps or automobile graveyards, so called, where old, discarded, wornout or junked automobiles or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such manner or in such location or situation, either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery and injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are declared to be public nuisances as provided by Section 7 of Chapter 128 of the Revised Statutes of Maine (1944).

Section 104. Buildings--Condition Dangerous.

When the City Council, after personal notice in writing to the owner of any burnt, dilapidated, or dangerous building, or by publication in a newspaper in the County of Androscoggin and commonly read in the City of Auburn three weeks successively; and after a hearing of the matter adjudge the same to be a nuisance or dangerous, it may make and record an order prescribing what disposal shall be made thereof, and thereupon the City Clerk shall deliver a copy of such order to a constable, who shall serve such owner, if a resident of the state, with an attested copy thereof, a make return of his doings to said clerk forthwith. If the owner, or part owner, is unknown or resides without the state, such notice shall be given by publication in the state three weeks successively all as provided by Section 23 of Chapter 128 of the Revised Statutes of Maine (1944). The City Council may order said nuisance abated, removed, or altered in compliance with its order, as provided and as limited by Section 24 of Chapter 128 of the Revised Statutes of Maine (1944).

Section 105. Buildings--Use Obnoxious.

The erection, continuance, or use of any building or place for the exercise of a trade, employment or manufacture, which, by noxious exhalations, offensive smells or other annoyances becomes injurious and dangerous to the health, comfort, or property of individuals, or of the public, is declared to be a public nuisance as provided by Section 7 of Chapter 128 of the Revised Statutes of Maine (1944).

Section 106 Dumps.

106.1. The Manager shall designate a place or places as public dumping grounds for the depositing of rubbish, ashes, cinders,

tincans and other household or commercial or industrial wastes and no person shall deposit such materials elsewhere than at such designated public dumping place or places; except that the Manager upon written application may issue permits to deposit upon private lands, earth, ashes, cinders, rock for filling-in purposes but no putrefaction, organic, vegetable or animal matter shall be deposited on such private fills.

106.2. The Police Chief shall be notified by the City Manager of the location of every designated public dump and of every private fill for which he has issued a permit, and it shall be the duty of the Police Chief to cause the abatement of every fill, deposit or accumulation upon private premises other than those made in conformity with the provisions of this ordinance and to prosecute all violations hereof.

106.3. It shall be unlawful for any person to take, remove or carry away any refuse, debris, rubbish, or any materials of any kind or nature from or about any public dumping ground so designated above without a permit from the City Manager.

106.4. The penalty for violation of this section shall be not less than \$5 and not more than \$25.

Section 107. Handbills, Stickers, Dodgers, Samples, Etc.

107.1. No person shall distribute, throw, drop, or scatter in any street or public place any posters, handbills, cards, samples of medicines, drugs or pills or other samples, or their matter used for the purpose of advertising, in such a manner as to results in the littering of any street or public place.

107.3. No person shall attach any advertising material of any kind, such as handbills, cards or papers, to the door handle, windshield, windshield wiper, or any portion of any motor vehicle parked or standing in any street or public place, nor shall any person deposit any such material or samples of any kind, within or upon any such vehicle so parked or standing.

107.4. No person shall go about the streets or other public places for the purpose of distributing any poster, handbills, cards, samples of any kind, or other matter used for the purpose of advertising after the time of sunset and before the time of the following sunrise.

107.5. No person shall go about the streets or other public places for the purpose of distributing any poster, handbills, cards, samples of any kind, or other matter used for the purpose of advertising without first obtaining a permit from the Police Chief for this purpose. Upon the refusal of the Police Chief to issue said permit an appeal may be made to the City Council, which may grant said permit if it deems it advisable. The permit authorized by this sub-section does not release the person to whom the permit is granted from the other provisions of this section.

107.6. The penalty for violation of any provision of this section shall be not less than \$5.00 and not more than \$20.00.

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Section 108. Posting Restrictions.

108.1. No person shall attach, place, paint, write, stamp, paste or otherwise affix any sign, advertisement or other matter upon any electric light or public utilities pole; tree or fire hydrant or on any bridge, pavement, sidewalk or crosswalk, public building or any property or thing belonging to the City or located in the public streets or other public places; provided that this shall not be construed to prevent any public official from so doing for any public purpose.

108.2. No person shall attach, place, paint, write, stamp, paste, or otherwise affix any sign, advertisement or other matter upon any house, wall, fence, gate, post or tree without first having obtained the written permission of the owner, agent or occupant of the premises.

108.3. The penalty for violation of any provision of this section shall be not less than \$3 and not more than \$20.

Section 109. Refuse.

109.1. No person shall allow any manure or material which is commonly classified as rubbish, refuse or junk to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, omits odors, or is unsightly or is offensive.

109.2. No person shall dispose of any manure or material which is commonly classified as rubbish, refuse or junk on any street or public place, or on any property not his own; provided however this shall not prevent disposal as otherwise permitted, nor delivery to a duly licensed collector.

109.3. No person shall carry or convey through any street or public place any refuse, fish offal, decayed fish, swill or other offal, or any package or bag containing same, in such a manner that it drips, leaks or drops or emits odors, or is unsightly, or is offensive, nor shall such a conveyance or containers be left or left standing, in any street or public place.

109.4. The penalty for violation of any provision of this section shall be not less than \$5 and not more than \$25.

Section 110. Smoke.

Any stack emitting smoke of greater density than 2 on the chart except for a period of 6 minutes in any one hour and not exceeding twelve minutes daily while engaged in cleaning or building a new fire, and except for locomotives which shall be allowed 1 minute in 30 minutes for smoke denser than 2 but not denser than 3 by the chart, shall be termed a nuisance and annoyance. Any person causing, or responsible for, a stack emitting smoke in excess for limits set forth above shall be liable to a fine of not more than \$100. Every 24 hours the offense continues shall be a separate offense. The Health Department shall be for the enforcement of this section,

110.1. "Stack" shall be defined as including chimneys, smoke-stack, structures, and openings of any kind whatsoever, capable of emitting smoke. This shall include locomotives.

110.2. "Chart" shall be considered as referring to the Ringelmann Smoke Chart as published and used by the Bureau of Mines.

Section 111. Action for Damages caused by Nuisance.

As provided by Section 16 of Chapter 128 of the Revised Statutes of Maine (1944), and person injured in his comfort, or enjoyment of his estate by a common and public or a private nuisance may maintain against the offender an action on the case for his damages, unless otherwise specially provided.

Section 112. Process for Abatement of Nuisance.

The process for abatement of nuisance is as provided by Section 17 of Chapter 128 of the Revised Statutes of Maine (1944).

Section 113. Penalty and Abatement of Nuisance.

As Provided by Section 13 of Chapter 128 of the Revised Statutes of Maine (1944), whoever erects, causes or continues a public or common nuisance, as described in said Chapter 128 or at common law, where no other punishment is specially provided, shall be punished by a fine or not more than \$100; and the court with or without such fine may order such nuisance to be discontinued or abated and issue a warrant therefor as provided in said Chapter 128.

Section 114. Adoption.

114.1. The City of Auburn hereby adopts Section 23, 24, 25, and 26 of Chapter 128 of the Revised Statutes of Maine (1944).

114.2. The City of Auburn hereby adopts Section 40 of Chapter 121 of the Revised Statutes of Maine (1944) that it shall be lawful to engage in as a participant manager or official or to attend as a Spectator any outdoor recreational or competitive amateur sport or game, except boxing, horse racing, air circuses or wrestling, between the hours of 1 P.M. & 7 P.M. on Sunday in the City of Auburn.

CHAPTER 26

TRAFFIC

Article 1

Definitions

Section 101. Words and Phrases Defined.

The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this article. Whenever any words and

phrases used herein are not defined herein but are defined in the laws of Maine regulation the operation of vehicles, and such definition therein shall be deemed to apply to such words and phrases used herein.

101.1. Alley.

A narrow way between buildings or giving access to the rear of buildings.

101.2. Authorized Emergency Vehicle.

Vehicles of the Fire Department, police vehicles, public traffic emergency repair vehicles, ambulances and such emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Police Chief. A privately-owned vehicle commandeered by the Fire or Police Chief or owned or used by a fireman or policeman shall have the same status under this ordinance as a publicly-owned authorized emergency vehicle while actually engaged in or responding to a call for public emergency service.

101.3. Business District.

101.4. Cross Walk.

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;
- (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

101.5. Curb.

The outer edge of a defined sidewalk, or either edge of the wrought and usually traveled part of a street.

101.6. Curb Loading Zone.

A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

101.7. Driver.

Every person who drives or is in actual physical control of a vehicle.

101.8. Holidays (Public).

Public holidays, as used in this ordinance, are these provided by Section 140 of Chapter 55 of the Revised Statutes of Maine (1944) as bank holidays, namely; January 1, February 22, April 19, May 30, July 4, first Monday of September, November 11, any public Thanksgiving Day on date proclaimed by the President of the United States or by the Governor of Maine, and December 25.

101.9. Intersection.

The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angles may come in conflict.

101.10. Motor Vehicle.

Every vehicle which is self-propelled, including motor-cycles.

101.11. Park.

When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

101.12. Pedestrian. Any person afoot.

101.13. Person.

Every natural person, firm, co-partnership, association or corporation.

101.14. Police Officer.

Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

101.15. Private Road or Driveway.

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

101.16. Residence District.

That portion of the City not defined as business district hereunder.

101.17. Right of Way.

The privilege of the immediate use of the roadway.

101.18. Roadway.

That portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

101.19. Sidewalk.

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

101.20. Stop. When required means complete cessation of movement.

101.21. Stop, Stopping or Standing.

When prohibited means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal.

101.22. Street or Highway.

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

101.23. Through Street.

Every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this ordinance.

101.24. Time.

Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this City.

101.25. Traffic.

Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together, while using any street for purposes of travel.

101.26. Traffic-Control Devices.

All signs, signals, markings and devices, whether immovable or whether manually, electrically or mechanically operated, placed or erected by authority of the City Council or the Police Chief by which traffic is alternately directed to stop and to proceed or for the purpose of regulating, warning or guiding traffic.

101.27. Vehicle.

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

101.28. Parking Meter.

A device which indicate thereon the length of time during which a vehicle may be parked in a particular place, which shall have as a part thereof a receptacle or a chamber for receiving and storing coins of United States money, and a slot or place in which said coin may be deposited; a timing mechanism to indicate the passage of the interval of time during which parking is permissible and which shall have elapsed; also brief instructions as to its operation.

101.29. Individual Parking Space.

A portion of the paved surface of the street, of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked as shall be specified and marked off by the City Manager.

Article 2

Required Obedience to Traffic Regulation

Section 201. Authority of Police and Fire Department Officials

Officers of the Police Department or such officers as are assigned by the Police Chief are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of this ordinance. Members of the fire department, when at the scene of a fire, may direct or assist the Police in directing traffic threat or in the immediate vicinity.

Section 202. Required Obedience to Traffic Ordinance.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance.

Section 203. Obedience to Police and Fire Department Officials.

No person shall wilfully fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department member.

Section 204. Public Employees to Obey Traffic Regulations.

The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State County or City, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance or by State Statute.

Section 205. Exemptions to Authorized Emergency Vehicles.

205.1. The provisions of this ordinance regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in Section 101 of this ordinance, except as follows:

A driver when operating any such vehicle in an emergency, except when otherwise directed by a Police Officer, may:

(a) Park or stand notwithstanding the provisions of this ordinance;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limits so long as he does not endanger life or property;

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(d) Disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

205.2. Those exceptions herein before granted in reference to the movement of an authorized emergency vehicle shall apply only when the driver of said vehicle sounds a siren, bell or exhaust whistle as may be reasonably necessary, as a warning to others.

205.3. The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequence of his reckless disregard of the safety of others.

Section 206. Persons Propelling Push Carts, Riding Animals, or Driving Animal-Drawn Vehicles to Obey Traffic Regulations.

Every person propelling any push cart or riding any animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this ordinance excepting those provisions which by their very nature can have no application.

Article 3

Obedience to Traffic-Control Devices

Section 301. Authority to Install.

The Police Chief with the approval of the City Manager shall place and maintain or cause to be placed and maintained, traffic-control signs, signals, and devices when and as required or authorized under this ordinance, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under this ordinance or under State law, or to guide or warn traffic, including angle parking signs and markings, turning markers, and signs prohibiting left, right or U turns, the location of which he is authorized to determine. All signs or signals required or authorized hereunder shall so far as practical be uniform as to type and location throughout the City. All traffic-control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic-control devices.

Section 302. Obedience to Official Traffic-Control Devices.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this ordinance, unless otherwise directed by a Police Officer, subject to the exceptions granted to the driver of an authorized emergency vehicle in this ordinance. No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Section 303. Obedience to No-Turn Signs and Turning Markers.

Whenever authorized signs are erected indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized marks or other indications are placed within an intersection indicating the course to be travelled by vehicles turning thereat, no driver shall disobey the directions of such indications.

Section 304. Traffic-Control Signal Legend.

Whenever traffic is controlled by traffic-control signals, exhibiting the words "Go," or "Caution" or "Stop," or exhibiting different colored lights successively one at a time or in combination, or with arrows: the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

304.1. Green alone or "Go."

(1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

(2) Pedestrians facing the signal may proceed across the road way within any crosswalk.

304.2. Yellow alone or "Caution" when shown following the green or "Go" signal.

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection.

(2) Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.

304.3. Red alone or "Stop."

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and and shall remain standing until green or "Go" is shown alone.

(2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

304.4. Red with green arrow.

(1) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully

within a crosswalk and to other traffic lawfully using the intersection.

(2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

304.5. Red and Yellow (pedestrian signal).

While the red and yellow lenses are illumined together, drivers shall not enter the intersection and the intersection shall be reserved for the exclusive use of pedestrians.--Effective August 6, 1949.

Section 305. Flashing Signals.

Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

305.1. Flashing red (stop signal).

When a red lens is illumined by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

305.2. Red and Yellow (pedestrian signal).

While the red and yellow lenses are illumined together, drivers shall not enter the intersection and the intersection shall be reserved for the exclusive use of pedestrians! Effective August 6, 1949.

Section 306. Designation of Crosswalks, and Traffic Lanes.

The Police Chief with the approval of the City Manager is hereby authorized:

306.1. Crosswalks.

To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

306.2. Lanes.

To make lanes for parking and for traffic on street pavements at such places as he may deem advisable consistent with this ordinance.

Section 307. Stop Signs.

307.1. Authority to Erect.

Whenever this ordinance designates and describes a through street, it shall be the duty of the Police Chief to place and

maintain a stop sign on each and every street intersecting such through street. Every such sign shall bear the word "Stop," in letters not less than six inches in height, and shall be located as near as practicable at the nearest line of crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway.

307.2. Stop Required.

When stop signs are erected as herein provided at or near the entrance to any intersection, every driver of a vehicle shall stop such vehicle at such sign or at a clearly marked stop line before entering the intersection except when directed to proceed by a police officer or traffic-control signals.

307.3. Entering Through Street.

After the driver of a vehicle has stopped in obedience to a stop sign at the entrance to a through street, such driver shall then proceed cautiously, yielding the right-of-way to vehicles which have entered the intersection from said through street or which are approaching so closely on such through street as to constitute an immediate hazard, but may then proceed.

Section 308. Display of Unauthorized Signs, Signals, or Markings.

308.1. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device, and no person shall place or maintain nor shall any public authority permit upon any highway and traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

308.2. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Section 309. Interference with Official Traffic-Control Devices.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any inscription shield, or insignia thereon, or any part thereof.

Article 4

Stopping, Standing and Parking

Section 401. Stopping, Standing or Parking Prohibited in Specified Places.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in

compliance with law or the directions of a Police Officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway or alleyway;
3. Within an intersection;
4. Within fifteen feet of a fire hydrant;
5. On a crosswalk;
6. Within 10 feet of the near corner of the curbs at an intersection;
7. Within 15 feet upon the approach to any stop sign located at the side of a roadway;
8. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly sign-posted);
9. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge of curb of a street;
11. Upon any bridge;
12. At any place where official signs or curb painting so prohibit.

401.1. No person shall move a vehicle lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Section 402. Parking Prohibited at all times on certain Streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets described in Schedule I attached to and made a part of this ordinance.

Section 403. Parking Time Limited on Streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the period of time specified in Schedule II between the hours of "7:00 A.M. to 6:00 P.M. except Sundays and Legal Holidays", upon any of the streets or parts of streets described in Schedule II attached hereto and made a part of this ordinance.

403.1. No vehicle shall stand or park upon any of the public streets and ways of the City for more than one hour each day from 12:01 A.M. to 7:00 A.M. during the period of time from November 15th of each year to April 15th of the following year.

Section 404. Hazardous or Congested Places.

404.1. The Police Chief with the approval of the City Manager is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

404.2. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

Section 405. Parking Not to Obstruct Traffic.

No person shall stop, stand, park or leave his vehicle on any street in such a manner or under such conditions so as to obstruct the free passage of other vehicles in either direction unless specifically permitted by a Police Officer, or so as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

Section 406. Parking in Alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

Section 407. Combination Bus Stop-Taxicab Stands.

407.1. Establishment.

The City Council by order shall designate spaces as Bus Stop-Taxicab Stands on such public streets in such places and such number as it shall determine to be of the greatest benefit and convenience to the public. The Police Chief shall cause such spaces to be designated by appropriate signs or curb markings or both.

407.2. Use.

The driver of a bus or a taxicab is hereby authorized to park the same in any such space without restriction as to time.

407.3. Bus Drivers.

The driver of a bus shall not stand or park the same upon any street in any business district at any place other than at such a space, when same has been officially designated and appropriately marked, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

407. 4. Taxicab Drivers.

The driver of a taxicab shall remain in the driver's seat of said taxicab (except while actually engaged in admitting or discharging passengers or transporting their luggage) while the same is in such a space; he shall not park the same in any such space in front of a hotel while another taxicab is therein; he shall yield the space immediately to a bus about to be driven into such space.

407.5. Other Persons.

No person shall stop, stand or park a vehicle other than a bus or a taxicab in any such space when same has been officially designated and appropriately mared, except that the driver of any passenger car or light delivery vehicle may stop the same therein for the purpose of and while acutally engaged in loading or unloading passengers or parcels and when such stopping does not interfere with any operator who desires to drive a bus into such space.

Section 408. Standing or Parking Close to Curb.

No person shall stand or park a vehicle on any street in a business district other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as follows:

408.1. Angle-Parking.

Upon such streets or parts thereof which have been officially signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge or roadway indicated by such signs or markings.

408.2. Backing to Curb.

When specifically authorized by a Police Officer, any person may back a vehicle to the curb for the purpose of loading or unloading merchandise or materials for a period not in excess of 30 minutes. No person shall so back a vehicle to a curb unless specifically so authorized by a Police Officer, and no person shall in any event back a vehicle onto any curb or sidewalk in this City.

Section 409. Assemblage, Places of.

The Police Chief is authorized to place temporary or permanent traffic-control signs in front of the entrance to places of assemblage or any building in which entertainments, plays, show, exhibitions and the like are given either regularly or otherwise, and for such period as the Police Chief in his discretion may deem wise under the circumstances.

Section 410. Large Vehicles.

No owner, driver, or person in charge of any vehicle which has a carrying capacity of more than three thousand pounds, or which including load is more than 18 feet in length, or which including load is more than eight feet in width, or which including load is more than twelve feet six inches in height, shall permit the same to stand upon any public street in the City for a longer period than one hour at any one time.

Section 411. Lights on Parked Vehicles.

As provided by Section 122 of Chapter 19 of the Revised Statutes, of Maine (1944), whenever a vehicle is lawfully parked in a place and under conditions where there is sufficient

artificial light to make such vehicle clearly visible from a distance of not less than 100 feet in each direction, no lights need be displayed upon such parked vehicle; otherwise lights must be displayed during the period from one-half hour before sunset to one-half hour before sunrise. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

Section 412. Owner's Liability.

Whenever any Police Officer shall find any vehicle which has been illegally parked and such Police Officer is unable to determine the person who is responsible for such parking, the owner of the vehicle shall upon request of the Police Department furnish to it the name of the driver of the vehicle responsible for such illegal parking. Failure upon the part of any owner to do so shall make him liable to the general penalty under this ordinance.

Section 413. Schools.

The Police Chief is hereby authorized to cause temporary or permanent signs to be erected, indicating no parking adjacent to any school property, when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking adjacent to any school property no person shall park a vehicle in any such designated place.

Section 414. Snow removal.

No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the removal of snow from said street or way by the City plowing or loading and hauling. The Chief of Police may cause any vehicle so parked on any street and placed in a suitable parking space off of the street, at the expense of the owner of such vehicle, and without the City being liable for any damage that may be caused by such removal. For the purpose of facilitating the removal of snow, the Superintendent of Streets or Police Chief may cause to be placed properly marked signs along any street or streets as he shall from time to time deem necessary. It shall be unlawful for the operator of any vehicle to enter upon, store or park within the spaces indicated by such signs.

Section 415. Theatres.

No person shall park a vehicle between the hours of 1 P.M. and 11 P.M. within a space of 30 feet measured along the curb line in front of the main entrance of any theatre by the Police Chief and marked by a sign or signs.

Section 416. Unlawful Parking.

No person shall park a vehicle upon any roadway for the principal purpose of: (1) advertising; (2) displaying such vehicle for sale; or (3) washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

Section 417. Public Utility Vehicles.

Vehicles operated by the City of Auburn or by public utility companies, used for installation, repair and maintenance purposes, may be exempted by the Police Chief upon notice to the City Clerk, in each case, temporarily for the period while actually at work at a definite location, from any of the requirements of Article 4 hereof, provided that during such exemption period, work will be conducted with all reasonable dispatch, and that such precautions as the Police Chief may require in the interest of public safety shall be taken. The Police Chief is authorized to place temporary signs prohibiting parking in such places at the scene of work as in his discretion he deems necessary to facilitate traffic and the work in progress. Subject to the necessary exceptions provided by this Section, Article 4 of this ordinance shall nevertheless be observed insofar as practicable. Upon receipt of such notice, the City Clerk shall notify the Police Chief, the Fire Chief, and the Superintendent of Public Works of such operations.

Section 418. Parking Meters.

418.1. Definitions.

Whenever in this Ordinance the words hereinafter defined in this section are used, they shall, unless the content requires otherwise, be deemed to have the following meaning:

418.2. Parking Meters.

A device for the purpose of measuring the time elapsed since the deposit of a coin in the slot provided, and equipped with a mechanism to indicate the legal time a vehicle may remain parked in a designated space.

418.8. Parking Space.

A portion of the paved surface of the street of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked as shall be designated and marked off by or under the direction of the City Manager of the City of Auburn.

418.4. The City Manager may enter into a contract or contracts for the installation of parking meters, with the provision that the payment for such meters and installation is to be made from the receipts and funds and revenues obtained from the operation of said parking meters, without in any way obligating the City to pay for the same from any other source whatsoever.

418.5. The City Manager of the City of Auburn shall supervise the installation, regulation, control, operation and use of parking meters on such street as may hereafter be subject to limited parking and use by vehicles under the provisions and the authority of this Ordinance.

418.6. The amount of the fee for the use of each Parking Meter Space shall be based upon the length of the legal parking period for the parking space as may be designated by Ordinance, and shall be computed at the rate of one (1) cent for each twelve (12) minutes of use and five (5) cents for each sixty (60) minutes of

use in a one hour parking space. And one (1) cent for each twelve (12) minutes of use and five cents (5) for each one hundred and twenty (120) minutes of use in a two hour Parking Space.

418.7. Each said parking meter shall be so set as to display a signal showing legal parking upon deposit of the required coin of the United States therein, for the period of time conforming to the parking limit established upon which said parking meter is placed; and each such meter shall by its mechanism indicate the legal time a vehicle may remain parked and shall continue in operation with the time of depositing such coin until the expiration of the time fixed by the Ordinance as the Parking Limit for the part of the street upon which said meter is placed. Each parking meter shall also be so arranged that upon expiration of said parking limit, it will indicate by a mechanical operation and the indicating of a proper signal that the lawful parking period as fixed or authorized on this Ordinance has expired.

418.8. The City Manager shall maintain lines or marks on the curb or on the street about along the side of each parking meter to designate the space for which said meter is to be used, and each vehicle parking along side of or next to any parking meter shall park within the lines of markings so established.

418.9. When any vehicle shall be parked in any space along side of or next to which there is located, under this Ordinance, a parking Meter, the owner, operator manager or driver of said parking space, immediately deposit, or cause to be deposited in such parking meter, such coin or coins of the United States as are designated for deposit therein on such parking meters, in accordance with the terms thereof. Upon the deposit of such coin or coins and placing such meter in operation, the parking meter space may be lawfully occupied by such vehicle during the period of parking time prescribed for said parking meter space. If said vehicle shall remain; parked in such parking space beyond the established parking limit shown by meter indication for such parking space, the vehicle shall be considered as parked overtime and beyond the time fixed by the provisions and authority of this Ordinance, and the parking of a vehicle overtime in any such part of a street where any such parking meter is located, shall be in violation of this Ordinance and punished as hereinafter provided. It shall be unlawful for any person to cause, allow, permit or suffer any such vehicle registered in his name to be parked overtime or beyond the lawful period of time as above described.

418.10. It shall be unlawful and a violation of this Ordinance for any person to deposit or cause to be deposited in a parking meter a coin or coins for the purpose of increasing the parking time of any vehicle beyond the legal parking time established for said parking meter space.

418.11. Any vehicle, parked in any parking space as herein provided, shall be parked with the hood of such vehicle along side of or next to parking to meter alongside of such parking space in parallel parking spaces, and with the radiator directed at the said meter in diagonal parking spaces and in either event shall be parked within the lines marked on the street for such parking space, as provided herein.

418.12. It shall be unlawful to park any vehicle across any line or mark designating the parking space for which any parking meter is to be used, or to park said vehicle in such way that the same shall not be within the area so designated by such lines or markings.

418.13. It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a coin of the United States.

418.14. It shall be unlawful for any person to deface, injure, tamper with open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Ordinance.

418.15. All parking is prohibited in any parking space where a parking meter is installed unless a deposit of the coin or coins indicated by said meter is made as herein provided. Any vehicle parked in violation of this provision shall be deemed to be illegally parked under the provisions of this Ordinance.

418.16. The provisions of this Ordinance shall apply only during the hours of 9:00 A.M. and 6:00 P.M. daily and shall not apply on Sundays or Holidays.

418.17. The City Manager is hereby authorized to have Parking Meters installed upon the following streets:

Court Street, from Main Street to Goff Street.

Main Street, from Court Street to South end of the Roak Block, so-called.

No. Main Street, from Court Street to Franklin Street.

Franklin Street, from North Main Street to Turner St.

Turner Street, from Court Street to Center Street.

418.18. The coins required to be deposited in parking meters as provided herein are hereby charged, assessed and levied as fees to provide for the proper regulation and control of traffic upon the public streets and also the cost of supervising and regulating the parking of vehicles in the parking spaces hereby created, and to cover the cost of the purchase, installation or operation, maintenance, control, inspection, supervision and use of the parking meters described herein.

418.19. Each meter shall contain a removable sealed container or cylinder receiving deposited coins. The City Manager shall designate some person or persons to collect the coins deposited in parking meters.

The person collecting such coins shall deliver the sealed container or cylinder, with seal unbroken, to the Treasurer of the City of Auburn. The Treasurer shall count the coins deposited so delivered and so deposit same to the credit of the City of Auburn.

418.20. Enforcement.

The City Manager, with the co-operation of the Chief of the Police Department of the City of Auburn, shall be responsible for the enforcement of this Ordinance.

418.21. Penalties.

Any person violating any of the provisions of this Ordinance, upon confession thereof, or upon conviction thereof, shall be punished by a fine not exceeding twenty dollars.(\$20.00)

418.22. This Ordinance shall be deemed to be in addition and supplementary to, and not in conflict with nor a repeal of prior or existing Ordinances of the City of Auburn, but shall be an additional provision for the regulation of traffic and parking in those zones or areas provided for herein.

Nothing in this Ordinance shall be construed as prohibiting the City of Auburn for providing for free parking space for loading and unloading, for taxicab stand, bus stops and for other matters of similar nature.

418.23. Any section or part thereof, sentence, clause or phrase of this Ordinance shall be held to be unconstitutional or invalid, the remaining provisions hereof, nevertheless, remain in full force and effect.

Section 419. Hood.

419.1. Application for Hood.

Any person, for himself, his firm or corporation, may make application to the Chief of Police for a hood to be used on parking meters. Such application shall set forth the purpose for which the hood is needed, by whom it will be used, the approximate length of time it will be required each day, and such other information as the Chief of Police may require. Upon receipt of the application the Chief of Police shall make an investigation and shall present the application together with his report to the City Manager.

Section 420. Chief of Police May Issue Hoods.

The chief of Police may issue to the applicant a hood to be used for the purposes stated in the application. The application shall be made in duplicate, and if a hood is issued, the original application shall be filed in the office of the Chief of Police, and the copy delivered with the hood to the individual. Every person receiving a hood, shall receive a receipt for the same, shall agree to use it for the purposes described in the application, and to return it to the Chief of Police when no longer needed, in as good condition, reasonable wear and tear excepted, as when delivered to him. Every person receiving such a hood shall deposit with the Chief of Police the cost of the hood which deposit shall be returned to him when the hood is returned.

Section 421. Use of Hoods--Restrictions.

Hoods issued under this ordinance may be restricted for use on a single meter or several meters. The use of any hood on any meter for a period longer than one hour is prohibited except by special permission from any member of the Police force, which permission shall be required for each specific occasion and for

definite reasons necessitating the extension of the one hour limit. The use of a hood may be revoked by the Chief of Police upon evidence of abuse of the privilege or of violation of limitation as to time.

Section 422. Law Enforcement Agencies.

Hoods may be issued to law enforcement agencies without formal application for unlimited use while on official business.

Article 5

Operation for Vehicles

Section 501. Backing Limitation.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Section 502. Bicycles.

502.1. Riding.

No person shall ride or propel a bicycle upon any public street in this City other than astride a permanent and regular seat attached thereto, or use a bicycle to carry more persons at one time than the number for which it is designed and equipped, or ride abreast or to the left of any other person riding or propelling a bicycle.

502.2. Equipment.

No person shall ride or propel a bicycle upon any public street in this City unless said bicycle is equipped with a bell, horn or other warning device, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle; not shall any person ride a bicycle on any street in the City after dark unless such bicycle shall have attached to it a light so displayed as to be visible.

502.3. Parking.

No person shall park a bicycle on any street except in a standing position against the curb or edge of roadway or sidewalk.

502.4. Sidewalks.

No person shall ride or propel a bicycle on any sidewalk or within any sidewalk area except at a permanent or temporary driveway anywhere within the City except outside of the business district where children under the age of 16 years may ride on the sidewalk. In this exception bicycles shall always give way to pedestrians.

502.5. Traffic Laws Apply.

Every person propelling or riding a bicycle upon any public street in this City shall be subject to the provisions of this

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ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their very nature can have no application.

502.6. Obedience to Traffic-Control Devices.

Any person operating a bicycle shall obey the instructions of official traffic-control signs, signals, and other control devices, including signs indicating that no left turn or U turn is permitted, applicable to vehicles, unless otherwise directed by a Police Officer.

502.7. Clinging to Vehicles.

No person riding upon any bicycle shall attach the same or himself to any moving vehicle upon a roadway.

Section 503. Clinging to Moving Vehicles.

No person riding upon any motorcycle, coaster, sled, roller skates, or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

Section 504. Entering Traffic from Curb.

The driver of a vehicle starting from a curb or roadway edge shall yield the right-of-way to all moving traffic on the roadway; he shall not enter or attempt to enter such moving traffic until he can do so safely.

Section 505. Entering Traffic From Alley or Private Driveway.

The driver of a vehicle emerging from any alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, yielding the right-of-way to any pedestrian may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Section 506. Following Fire Apparatus Prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 507. Fire Hose, Crossing.

No person shall drive a vehicle over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Section 508. Heavy Loads.

During any part of the period between November first and June first, except when the surface of the road is solidly frozen,

no driver of a vehicle, the gross weight of which (vehicle and load combined) exceeds three and one-half tons shall drive the same on those streets duly posted to that effect as each end thereof.

Section 509. Litter.

No person shall operate a vehicle upon any street in such a manner that material, rubbish, refuse, junk or litter of any kind drips, sifts, leaks, drops or otherwise escapes therefrom or drops upon the surface of such highway, street or alley.

Section 510. Motorcycles.

No person operating a motorcycle shall ride other than upon the permanent and regular seat attached thereto, or carry any other person nor shall any other person ride upon such motorcycle other than upon a firmly attached seat to the rear or side of the operator.

Section 511. Noise.

No person shall sound an automobile horn, bell or other sound device on a vehicle anywhere in the City at any time, except when necessary for safe driving. No person shall so load or unload a vehicle with iron or other material that may strike together without properly deadening it so that it will cause no unnecessary noise. No person shall drive a motor vehicle, except a fire department vehicle, on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive noise and annoying smoke, nor use a muffler cut-out on any vehicle, except a fire department vehicle, upon any street.

Section 512. One-Way Streets.

Upon those streets and parts of streets described in Schedule III attached hereto and made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited, which signs the Police Chief is hereby authorized and directed to erect and maintain.

Section 513. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

Upon the immediate approach of an authorized emergency vehicle, when the driver thereof is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 514. Overtaking Vehicle.

No driver of a vehicle shall leave the line on the right for the purpose of overtaking another vehicle unless there is a clear way of at least one hundred feet in advance on the left. When overtaking another vehicle proceeding in the same direction, the driver of any vehicle shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the roadway until safely clear of such overtaken vehicle. The driver of a vehicle on a street about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of highways.

Section 515. Parades and Processions: Permits.

No funeral, procession, or parade containing 200 or more person or 50 or more vehicles, excepting the military forces of the United States and of this state and excepting parades on public holidays shall occupy, march or proceed along any street, to the exclusion or interruption of other persons in their individual right and use thereof, except in accordance with a permit issued by the Police Chief and such other regulations as are set forth herein which may apply.

Section 516. Processions; Funeral Identification.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Police Chief.

Section 517. Processions: Drivers.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as closely as is practical and safe.

Section 518. Processions; No Driving through.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Chapter. This provisions shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

Section 519. Report of Accident.

The driver of any vehicle involved in an accident resulting in injuries to or death of any person or property damage to the estimated amount of \$50.00 or more, shall (1) give such immediate notice and (2) make such written report within 48 hours as is provided by Section 6 of Chapter 306 of the Public Laws of Maine (1945).

Section 520. Right-of-Way.

All vehicles have the right-of-way over other vehicles (except authorized emergency vehicles when operated on official business and the drivers thereof sound audible signals by bell, siren, or exhaust whistle) approaching at intersecting public ways from the left, and shall give the right-of-way to those approaching from the right; except that traffic officers stationed at such intersection may otherwise regulate traffic thereat, and except at intersections where traffic is controlled by traffic-control signals in operation or by stop signs.

Section 521. Sidewalk: Vehicles shall not be Driven On.

The driver of a vehicle shall not drive or ride within any sidewalk area except at a permanent or temporary driveway.

Section 522. Speed Regulations.

Any person driving a vehicle on a way shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface, and width of the highway, and of any other conditions then existing, and no person shall drive any vehicle upon a way at such a speed as to endanger any person or property. Subject thereto and except in those instances where a lower speed is specified in Chapter 19 of Revised Statutes of Maine (1944) as amended, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be lawful:

522.1. **Passing School:** Fifteen miles an hour when passing a school during school recess or while children are going or leaving school during opening or closing hours.

522.2. **Intersection:** Fifteen miles an hour when approaching within 50 feet and in traversing an intersection of ways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the ways entering such intersection for a distance of 200 feet from such intersection.

522.3. **Elsewhere in Built-Up Section:**

Twenty-five miles an hour in a business or residential district, or built-up portion, defined as the territory of the City contiguous to any way which is built up with structures devoted to business or where the dwelling houses are situated less than 150 feet apart for a distance of at least one-quarter of a mile.

522.4. **Outside Built-Up Section:**

Forth-five miles an hour under all other conditions.

522.5. **Excess Speed:**

Any speed in excess of the limits established by law shall be prima facie evidence that the speed is not reasonable and proper as defined in the first sentence of this section.

522.6. Commercial Vehicles:

As provided by Section 98 of Chapter 19 of the Revised Statutes of Maine (1944), no commercial vehicle equipped with pneumatic tires and registered to carry a load in excess of one ton shall be operated within the compact built-up portions of the City at a rate of speed exceeding 20 miles per hour; nor shall any commercial vehicle equipped with two or more solid tires be operated at a rate of speed exceeding 15 miles per hour within said compact built-up portions of the City.

Section 523. Snow Plows: Following and Meeting.

The driver of any vehicle other than one on official business shall not follow closer than 200 feet to any snow plow engaged in plowing. The driver of any vehicle meeting a snow plow on a roadway plowing shall turn off on another street if practicable, otherwise shall come to a complete stop at least 50 feet away from said plow and not start again until the plow has passed.

Section 524. Through Street.

Those streets and parts of streets described in Schedule IV attached hereto and made a part hereof, having been so designated by the Maine State Highway Commission as provided by Section 78 of Chapter 19 of the Revised Statutes of Maine (1944), are hereby declared to be through streets.

Section 525. Traffic Law Violation Tickets.

No person shall remove from any vehicle a traffic law violation ticket, notice or citation placed on or in such vehicle by a Police Officer of the City, except for the purpose of answering such notice or citation as required therein.

Section 526. Traffic Obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection section or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Section 527. Truck Loading and Unloading.

From 9:00 A.M. to 5:00 P.M. on any day except Sunday and public holidays, trucks and drays are prohibited from loading or unloading freight, goods and merchandise at all places, stores and buildings in the business district when it is reasonably feasible to perform such work off-street or in an adjacent alley, unless such loading or unloading can be done within five minutes.

Section 528. Truck Traffic Routes.

Truck Traffic routes to be identified by signs and markings erected and maintained by the Police Department, as directed by the City Manager, may be established within the City limits; when established and posted, all persons driving motor vehicles into the City limits for the transportation of property through the City shall drive such vehicle or vehicles over and along such established truck traffic routes.

Section 529. Turn Around; Limitation.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction in the central business district as designed by section 101 of this Chapter, and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

Section 530. Turn, Left.

The driver of a vehicle intending to turn left at an intersection or into an alley or a private road or driveway shall approach such intersection or point of turning in the lane for traffic to the right of and nearest to the center line of the street (with the left side of vehicle as near as possible to, and to the right of the center line of the street on which he is proceeding), and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purpose of this section, the center of the intersection shall mean the meeting point of the medial line of the streets intersecting one another. One-way streets, such turn shall be made from the left lane of traffic.

Section 531. Turn, Right.

The driver of a vehicle intending to turn to the right at an intersection or into an alley or private road or driveway shall approach such intersection or point of turning, as closely as practicable to the right-hand curb on boundary of the street (in the lane for traffic nearest to the right-hand side of the way) and inturning shall keep as closely as practicable to the right-hand curb.

Section 532. Unattended Vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand on any roadway unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle. No person shall allow an animal-drawn vehicle to be unattended unless it is reasonably fastened. No person shall have an unattended vehicle with an ignition key in the vehicle.

Section 533. Unlawful Acts: Placing Glass, Etc. on Highway Prohibited.

No person shall throw or place or cause to be thrown or placed upon any highway and glass, glass bottle, nails, tacks, wire, scrap metal, crockery, cans, wheels of vehicles. Whoever accidentally, or by reason of an accident, drops from his hand or a vehicle any such substance upon any highway shall forthwith make all reasonable efforts to clear such highway of the same.

Section 534. State Laws.

All State motor vehicle laws are hereby incorporated herein by reference. No person shall violate any motor vehicle law of the State of Maine within the limits of the City of Auburn.

Section 535. Curb Loading Zones.

The Police Chief with the approval of the City Manager may designate space as curb loading zones on such public streets in

such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. The Police Chief shall cause such spaces to be designated by appropriate signs or curb markings or both. No person shall stop, stand or park a vehicle in any such space when same has been officially designated and appropriately marked, except for the purpose of and while actually engaged in loading or unloading passengers for a period not to exceed three minutes, or in loading or unloading materials for a period not to exceed 30 minutes.

Article 6

Pedestrians Rights and Duties

Section 601. Pedestrians Subject to Traffic-Control Signals.

Pedestrians shall be subject to traffic-control signals as heretofore declared in Section 304 of this ordinance, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

Section 602. Pedestrians' Right-of-Way in Crosswalk.

602.1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

602.2. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 603. Pedestrians to Use Right Half of Crosswalk.

Pedestrians shall move, whenever practicable, upon the right half of crosswalk.

Section 604. Crossing at Other Than Crosswalks.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

Section 605. Crossing at Right Angles.

No pedestrian shall cross a roadway at any place in the business district other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

Section 606. Drivers to Exercise Due Care.

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with

any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Article 7

Procedure on Arrest; Penalties; Miscellaneous

Section 701. Penalties.

701.1. General Penalty.

Unless another penalty is expressly provided by State Law, any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$20, except as otherwise provided in the following sub-sections of this section.

701.2. Bicycle Violations.

Any person violating any bicycle provision of this ordinance shall be subject to the penalty imposed for violation of this ordinance; however such person may elect in lieu of the penalty to surrender his bicycle to the Police Department in accordance with the following schedule; three days for first violation, 10 days for second violation, or 30 days for the third violation of any one provision of this ordinance in any one calendar year. For each violation of any one provision of this ordinance after the third violation in one calendar year, the general penalty provided by Section 701.1 hereof shall be applied, except that the violator with the approval of the Chief of Police may elect to surrender his bicycle for 30 days.

701.3. Section 203. Violations.

Any person violating Section 203 of this ordinance shall be subject to the general penalty provided in 701.1 hereof.

701.4. Other Violations,

Any person violating any other provision of this ordinance shall be subject to the general penalty imposed for violation of this ordinance; however, such person may elect, in lieu of such penalty, to pay the sum of 50¢ for each violation of any one section of this ordinance. Such payment shall in no event be construed as an enforced imposition of a fine or penalty, but on the other hand shall be construed to be an amount which an offender may voluntarily contribute toward the cost and expense of furnishing to the public a less expensive alternative method of regulating and administering traffic law violations. If however, such payment is not made at the office of the Police Chief within 48 hours after notice of such violation is served, by traffic ticket or otherwise, this alternative method is not available or applicable, and the penalty provided by this ordinance shall be imposed.

701.5. Exception for None Residents.

Anything in this ordinance to the contrary notwithstanding, the Police Chief is authorized to waive payment on any traffic violation

ticket issued to a non-resident when in the opinion of the Police Chief such violation is due to lack of knowledge of the violated provision of the ordinance; provided, however that this benefit shall not be extended to any violation deemed by the Police Chief to be deliberate, contined or flagrant, and provided that in no event shall this benefit extend to violation of the provision prohibiting parking in front of a hydrant area.

Section 702. Regulations Not exclusive.

The provisions of this ordinance imposing at time limit on parking or governing loading and unloading shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles or governing loading and unloading in specified places or at specified times.

Section 703. Separability.

If any part or parts of this ordinance are held by a court of competent jurisdiction to be invalid, it is the legislative intent of the City Council that such desision shall not affect the validity of the remaining portions of this ordinance.

Article 8

Taxicabs

Section 801. Definition of Terms.

Whenever in this article the following terms are used, they shall have the meanings respectively ascribed to them in this section:

801.1. Superintendent of Public Vehicles:

An officer of the Auburn Police Department assigned in that capacity.

801.2. Appeal Board: The City Council of the City of Auburn.

801.3. Taxicabs:

A motor vehicle used for the conveyance of passengers for hire from place to place on the streets of the City of Auburn; and shall include, in addition to such motor vehicles as are commonly known as taxicabs, cabs, cars for hire or livery cars and engaged as such in the conveyance of passengers for hire, provided, however, that nothing in this article shall be construed to apply to motor vehicles owned by undertakers and used for funeral services not to motor vehicles for hire while being used for services at funerals or weddings, nor to motor busses herein defined.

801.4. Motor Busses:

Motor vehicles designed and constructed for the general transportation of passengers for hire and possessing a manufacturer's rated seating capacity of ten or passengers.

801.5. Person:

The term "person" as used herein shall mean and include every natural person and every firm, association, corporation, and business organization of any kind, character and description.

801.6. City Council: The mayor and the City Council of Auburn.

Section 802. Appointment of Superintendent of Public Vehicles.

The Police Chief is hereby designated and assigned to act as Superintendent of Public Vehicles.

Section 803. Taxicab Licenses.

803.1. No person, firm or corporation shall operate or cause to be operated, a taxicab upon the streets of the City of Auburn unless licensed as herein provided.

803.2. Any person desiring to operate a taxicab or taxicabs in the City of Auburn shall make written application for license to the City Clerk and such applications shall be verified under oath and shall set forth:

1. A full identification of the applicant and all persons to be directly or indirectly in the license, if granted.
2. The residence and business address and the citizenship of the applicant and of all members of any firm or partnership, and of all officers and directors of any corporation applying.
3. Whether or not the applicant, or any of the persons interested in the license, if granted, has been convicted of the violation of any national, state or municipal law.
4. Facts showing the demand for such service.
5. The past experience, if any, that the applicant has had in rendering taxicab service in the City of Auburn or elsewhere, and the period of time he has rendered such service.
6. Whether or not any license or permit issued to him has been revoked, and, if so, the circumstances of such revocation.
7. The number of taxicabs proposed to be operated.
8. A complete description of the taxicabs proposed to be operated and of the proposed operations.
9. The color scheme, name and characteristic insignia to be used to designate the taxicabs of said applicant.
10. Such further information as the City Clerk may reasonably require.

Such application shall be made upon a printed form to be provided by the City Clerk.

803.3. Licenses shall be granted by the City Clerk upon certification of the Police Chief providing that there is not opposition to the granting of the license by established taxicab operators. When the City Clerk refuses to grant such license he shall, after further investigation by the Superintendent of Public Vehicles present the application to the City Council for hearing, and at least 48 hours prior to the meeting at which such application shall be in order for hearing, the City Clerk shall give notice thereof by mailing or otherwise to the applicant and to all holders or licenses, at the address shown on their respective applications, to show cause why said application should not be granted.

803.4. No person shall be so licensed who is not of age of 21 years, or more, or who is addicted to the use of intoxicating liquors or narcotic drugs. All taxicab licenses, shall expire a year from date of issue. The fee for such taxicab license shall be \$10.00 for each cab. For the substitution of the license to set up and use a taxicab for that of a taxicab previously licensed in accordance with this article, the fee shall be \$1.00.

803.5. When the City Council shall receive license applications as provided by sub-section 803.3 the City Council, in determining whether public convenience and necessity for additional taxicabs, exists, shall consider, among other things, the following:

1. The resulting effect upon the business of the then existing holders of licenses and upon the existing agencies of mass transportation.
2. The effect on traffic congestion and safety of the public streets.
3. Whether persons holding licenses for operation of taxicabs are, under normal conditions, adequately serving the public.
4. Whether the requirements of public convenience and necessity can be adequately met and complied with only by the issuance of additional licenses.

803.7. When a license owner changes his business address, or his residence address, or the place at which a taxicab owned by him is garaged, he shall, within 24 hours of such change, notify the City Clerk.

803.8. An applicant for a license as owner of a taxicab shall present for examination in the case of each car a valid registration issued by the Secretary of State of the State of Maine, the date of which together with the care no. shall be entered on the application and also on the taxicab license, if granted. Upon any change in the certificate of registration of a taxicab, issued by the Secretary of State of the State of Maine, the licensed owner shall immediately present such certificate together with the taxicab license to the office of the City Clerk for the purpose of making the necessary corrections on the taxicab license.

803.9. The owner of a licensed taxicab shall keep a daily record of all trips made by said vehicle upon such form and in such manner as shall be approved by the Superintendent of Public Vehicles and the City Clerk, which record upon demand shall be

open to inspection by the Superintendent of Public Vehicles or any police officer delegated by him.

803.10. Any licensee who shall cease to be the owner of a taxicab shall at once surrender his license to the Superintendent of Public Vehicles or the City Clerk.

803.11. Every taxicab operated on the streets of the City of Auburn shall be maintained in clean and serviceable condition and in adequate repair. Each such taxicab shall be equipped with brakes capable of stopping and holding the same under all reasonable conditions. Each such taxicab shall have two doors affording direct entrance and exit to and from the passenger compartment. The passenger compartment of each taxicab shall have an adequate light controlled by a switch control in the passenger compartment.

803.12. Each taxicab shall bear on the outside of each rear door in painted letters not less than 2 inches nor more than 6 inches in height, the name of the owner, and in addition, may bear an identifying design, approved by the Superintendent of Public Vehicles and the City Clerk, and the business telephone number of the owner and no their legend than the name of the owner, the approved design and the telephone number may be used in the rear door. Any name, legend, or design proposed for use elsewhere on the taxicab shall be submitted to, and approved by, the Superintendent of Public Vehicles and the City Clerk before being so used.

803.13. The Superintendent of Public Vehicles shall be charged with the duty of the enforcement of this article, and under his supervision and direction the Police Officers of the City of Auburn shall exercise the power and duty of enforcing this article.

803.14. Before a taxicab license shall be granted, all taxicabs shall be thoroughly inspected in regard to mechanical condition and general appearance. Every person operating a taxicab shall present said taxicab for inspection whenever the Superintendent of Public Vehicles may require it.

803.15. The Superintendent of Public Vehicles shall have the power to designate such person and place of inspection as he may deem proper to determine whether such taxicabs are being maintained in adequate repair, whether all such taxicabs are equipped with brakes capable of stopping and holding same under all reasonable conditions. Whenever an inspection is made by a person, designated by the Superintendent of Public Vehicles, who is not a member of the Auburn Police Department the cost of such inspection shall be paid by the owner of the taxicab.

803.16. All licensed taxicabs shall have 3 cards of such size and form as may be required by the Superintendent of Public Vehicles and the City Clerk which shall show:

1. The license number assigned to such vehicle by the City Clerk, and a statement to the effect that in cases of complaint, the Superintendent of Public Vehicles shall be notified, giving the number of the taxicab license.

2. Schedule of established rates of fares and zones.

3. The driver's identification card and number.

These cards shall be displayed on the interior of the vehicle in clear view of the passenger and so placed or secured in the frame in which enclosed that they may be not easily tampered with or destroyed..

803.17. No driver shall permit more persons to be carried in a taxicab than the seating capacity of the cab, which, in no case, shall exceed 6 persons including the driver. A child in arms shall not be counted as a passenger.

803.18. Every driver, when requested by the passenger, shall give a receipt showing the owner's name, date and amount of fare charged, and shall sign said receipt.

803.19. Holders of existing licenses on the date of this article shall become effective shall be entitled to the license provided for under this article without the payment of the fees required for the balance of the year but subject, however, to compliance with all other requirements and provisions of said article.

Section 804. Suspension and Revocation of Licenses.

804.1. The Superintendent of Public Vehicles shall have the power to suspend for a period not exceeding 30 days any taxicab license granted under the provisions of this article, for the following reasons:

1. For the violation of any provision of this article
2. For the violation of the criminal statutes of the State of Maine.

804.2. Any licensee aggrieved by an order of suspension shall have the right to appeal to the Appeal Board provided he shall file in writing with the City Clerk of the City of Auburn, a request for a hearing. Upon the filing of such written request the City Clerk shall notify the Superintendent of Public Vehicles. A hearing shall be held at the next regular meeting of the City Council, or at a special meeting called for that purpose, and notice of said hearing shall be posted in the City Clerk's office at least 48 hours prior to the date of said meeting. After hearing the City Council may affirm or vacate the order of suspension appealed from.

804.3. The City Council, may after notice and hearing, revoke the taxicab license of any person upon complaint filed by the Superintendent of Public Vehicles.

Section 805. Rates and Zones.

805.1. The said Superintendent shall have the power to approve uniform schedules of rates and zones submitted by the taxicab operators subject to the approval of the City Council, which schedules of rates and zones shall be kept on file in the office of the City Clerk.

805.2. In case of dispute or disagreement between the taxicab operators in the matter of rates and zones, the said Superintendent

shall submit the matter to the City Council who shall have the power to fix and determine schedules of fares and define the limits of the zones for such fares after notice of hearing.

805.3. Before any schedule of rates and zones, and any changes therein shall become effective, the City Clerk shall cause the same to be published in the daily newspaper published in the County of Auburn and distributed in Auburn at least 1 week before the same shall come into effect.

Section 806. Taxicab Driver's Licenses.

806.1. Every person desiring to drive a taxicab on the streets of the City of Auburn, whether as an owner or an employee of the owner of the taxicab, shall file with the City Clerk an application for a license therefore, to be known as a "Taxicab Driver's License."

806.2. Every applicant for a taxicab driver's license shall:

1. Be of the age of 18 years or over.
2. Be of sound physique, have good eyesight and hearing, and not subject to any infirmities of body or mind which might render him unfit to safely drive and operate a taxicab on the public streets of the City.
3. To be clean and neat in dress and appearance of person, and not addicted to the use of intoxicating liquors or drugs.
4. Submit with his application, on blank form to be provided by the City Clerk, certificates of his good character from two reputable citizens who have known him personally for at least six months next preceeding the date of his application, also a written statement from his last employer as to his character and qualifications.
5. Such application shall be made upon a printed form to be provided for by the City Clerk and shall be printed thereon such questions as will, in addition to the foregoing requirements, elicit from the applicant his name, age, residence, height, color of eyes and hair, nationality, place of birth, lenght of time he has resided in the City of Auburn, whether a citizen of the U. S., married or single, whether he has previously been licensed in any city or state as a taxicab driver, and if so, where and whether such license has even been revoked, or if revoked, the cause thereof; and such other information as may be deemed proper.
6. The application shall be signed by the applicant and shall bear, in an appropriate place thereon, the fingerprints of the applicant.
7. Each applicant shall file with his application 3 recent photographs of himself, of such size as may be required by the said Superintendent and the City Clerk, one of which shall be attached to his identification card, one attached to his license when issued, both in such manner as will, insofar as may be possible, prevent its removal and the substitution of another without detection, and the remaining photograph to be filed in the office of the City Clerk.

8. In addition to the taxicab driver's license herein provided for taxicab drivers shall at all times possess a chauffeur's license issued by the Secretary of State of the State of Maine.

806.3. Upon satisfactory compliance with the foregoing requirements the City Clerk, after certification by the Police Chief, shall issue to the applicant a taxicab driver's license. Such license shall bear the genuine signature of the licensee. If, for any reason the City Clerk does not issue the license the application shall be presented to the City Council for approval or disapproval.

806.4. All taxicab driver's licenses shall expire 1 year from date of issue.

806.5. A taxicab driver's license may be renewed from year to year on the written application of the licensee.

806.6. Any false statement or a misrepresentation of a material fact, made by the applicant for the purpose of securing a taxicab driver's license, shall be deemed good and sufficient cause for the refusal or revocation of such license.

806.7. Employment cards shall be issued to taxicab drivers by the City Clerk and the licensed owners of taxicabs shall not employ drivers without such employment cards; said employment cards shall be kept by the employers during the period that the driver is in their employ. Licensed owners of taxicabs shall return immediately to the office of the City Clerk the employment card of every driver when he ceases to be in their employ, and further, the licensed owner shall in writing give the reasons for the termination of the employment.

806.8. The said Superintendent shall have the power to prescribe rules and regulations governing the conduct of taxicab drivers which are not inconsistent with the provisions of this article.

806.9. The said Superintendent shall have the power to suspend or revoke the license of a taxicab driver for the following reasons:

1. For the violation of any provisions of this article.
2. For the failure to observe the rules and regulations prescribed by the said Superintendent governing the conduct of taxicab drivers.
3. For the wilfull and persistent violation of the traffic ordinances of the City of Auburn.
4. For the violation of the criminal statutes of the State of Maine.

806.10. Any person whose application for a taxicab driver's license has been refused, or whose taxicab driver's license has been suspended or revoked by the said Superintendent shall have the right to appeal to the Appeal Board, provided he shall file in writing with the City Clerk a request for a hearing, upon the filing of such written request the City Clerk shall notify the

said Superintendent. A hearing shall be held at the next regular meeting of the City Council, or at a special meeting called for that purpose, and notice of such hearing shall be posted in the City Clerk's office at least 48 hours prior to the date of said meeting.

Section 807. Penalties.

807.1. Any person who shall operate or caused to be operated any unlicensed taxicab shall upon conviction be liable to a fine not exceeding \$10.00 for each and every day he shall so operate or cause to be operated said unlicensed cab.

807.2. Whoever violates any of the provisions of this article, upon conviction, shall be liable to a fine not exceeding \$20.00 except as otherwise herein provided.

807.3. Any person who shall drive a taxicab without having a taxicab driver's license shall, upon conviction, be liable to a fine not exceeding \$20.00.

Article 9

Traffic Schedule

The following are the traffic Schedules.

Section 1: No Parking: Parking prohibited at all time upon any of the streets or parts of the streets as follows:

Vine Street: On the Southerly side between High and Main Streets.

Academy Street: On the Northerly side between High and Main Streets.

Court Street: On the North side beginning at the Northeast corner of Court and Pleasant St. and running in an Easterly direction for ninety-three (93) feet. On the North side beginning at the Northeast corner of Court and Goff St. and running in an Easterly direction for a distance of eighty-four (84) feet.

Cushing Street: On the South Side beginning at a point one hundred and thirteen (113) feet from the Southeast corner of Knight Street and running in an Easterly direction for one hundred and eleven (111) feet.

Hampshire Street: On both sides of street between Turner and Pleasant St. On the North side beginning at the intersection of Pleasant St. and running in a Westerly direction for sixty (60) feet.

Main Street: On the Easterly side from Laurel St. to Laurel Ave.

Railroad Street: On the West side between Court St. and Drummond St.

Spring Street: On both sides between Union and Troy St.

Drummond Street: On both sides beginning at Main St. and running Westerly to top of hill (19 Drummond St.)

High Street: On both sides beginning at Court St. and running in a Southerly direction to the Methodist Church. On both sides beginning at Academy St. and running Southwesterly for a distance of two hundred (200) feet.

Pleasant Street: West side between Court and Elm Street. East side beginning at Court St and running in a Southerly direction for eighty (80) feet.

Parkard Street: Both sides between Mechanics Row and Main St.

Mechanics Row: Both sides from Court St. to the end of Street.

Union Street: Both sides between Hampshire St. and Spring St. East side beginning at Summer St. and running in a Southerly direction for (185)feet.

Manley Street: Both sides beginning at Union St. and running in a Westerly direction for eighty-five (85) feet. South side beginning at Willow St. and running in an Easterly direction for (90) feet.

Goff Street: On both sides beginning at Court St. and running in a Northerly direction for sixty (60) feet.

Knight Street: On both sides beginning at the intersection of Cushing St. and running in a Northwesterly direction for a distance of one hundred and thirteen (113) feet.

Minot Ave: On both sides beginning at the intersection of Washington St. and running Northerly to the intersection of High Street.

Cushing Street: On both sides beginning at the Intersection of North Main St. and running in a Westerly direction for (38) feet.

North Main St. On both sides beginning at the intersection of Cushing St. and running in a Southerly direction for (50) feet. On both sides beginning at the intersection of Franklin St. and running in a Northerly direction for (48) feet. On the West side beginning at the intersection of Franklin St. and running in a Southerly direction for (30) feet.

Franklin Street: On the South side beginning at North Main St. and running in a Westerly direction for (105) feet. On the South side beginning at Turner St. and running in an Easterly direction for (30) feet.

Pleasant Street: On the East side beginning at Hampshire St. and running in a Southerly direction for (28) feet.

SCHEDULE 2

RESTRICTED PARKING

2.1. Five Minute Stops, from 7:00 A.M. to 6:00 P.M.

Court Street: On both sides, between Main Street and the North Bridge except between the following hours: 11:30 A.M. to 1:30 P.M.

and 3:30 P.M. to 5:30 P.M.

2.2. Ten Minutes Stops, FROM 7:00 A.M. to 6:00 P.M.

Turner Street: On the East side, beginning at the North side of Franklin Street and running in a Northerly direction for sixty (60) feet.

Franklin Street: On the North side, beginning at the East side of Turner Street and running Easterly for one hundred and thirty-five (135) feet.

2.3. Fifteen minute Stops from 7:00 A.M. to 6:00 P.M.

Cushing Street: On the North side, between Knight Street and the driveway at the Easterly end of the R. I. Mitchel Building.

2.4. Thirty minute parking from 7:00 A.M. to 6:00 P.M.

Spring Street: On both sides, between Troy St. and Court St.

School Street: On both sides, between the MCRR tracks and Spring St.

Mill Street: On Southwest side, between Broad Street and Second St.

Broad Street: On South side between Third St. and Riverside Drive.

Section Street: On East side, beginning at Broad St. and running in a Northerly direction for one hundred (100) feet.

2.5. One hour parking from 7:00 A.M. to 6:00 P.M.

Hampshire Street: Both sides from Pleasant to Goff Street.

Court Street: Both sides from Goff Street to Highland Avenue.

Minot Avenue: East side, from Court to # 74 Minot Avenue.
West side, from Court St. to the North end of the Sweet Building (Lown Shoe), so called.

2.6. Two hour Parking from 7:00 A. M. to 6:00 P. M.

Turner Street: Hampshire Street to Center Street

Court Street: Union Street to Goff Street.

Franklin Street: Turner Street to North Main Street.

2.7. One hour parking from 12:01 A.M. to 6:00 P.M.

Court Street: Both sides, Main Street to Union St.

Main Street: Both sides, between Court St, and Drummond St.

North Main Street: Both sides, between Court Street and Franklin St.

Turner Street: Both sides, between Court Street and Hampshire St.

2.8. Three Hour Parking at all times.

On all other streets or parts of streets not otherwise designated.

SCHEDULE 3

ONE WAY STREETS

Vine Street: Enter from High Street Only

Brookside Circle: Enter from Winter Street Only.

Union Street, Between Spring St. Ext. and Summer Street: Enter at Summer Street only.

SCHEDULE 4

THROUGH STREETS

Court Street	Gamage Avenue	Riverside Drive
Center Street	Summer Street	Broad Street
Turner Street	Minot Avenue	South Main Street
Lake Street	Washington Street	Main Street

Poland or Gloucester Road

SCHEDULE 5

PASSENGER AND FREIGHT LOADING ZONES

5.1. Bus Stops.

Court Street

North side, beginning at a point sixty-five (65) feet Westerly from the Westerly line of North Main Street, Westerly for a distance of seventy (70) feet.

North side, beginning at the Westerly line of Pleasant Street, Westerly for a distance of forty-one (41) feet.

North side, beginning at the Westerly line of Spring Street, Westerly for a distance of thirty-four (34) feet.

North side, beginning at a point one hundred and ninety-four (194) feet from the Westerly line of the Alley running North from Court Street by the Easterly side of the Cushman Hollis Factory, Westerly to the Southeast corner of Union Street a distance of sixty (60) feet.

South side, from the Westerly line of Main Street, Westerly for a distance of fifty-five (55) feet.

South side, from the Westerly line of Mechanics Row, Westerly for a distance of fifty (50) feet.

South side, beginning at the Westerly line of Pleasant Street Westerly for a distance of thirty-seven (37) feet.

South side, beginning at the Westerly line of Spring Street, Westerly for a distance of thirty-five (35) feet.

South side, beginning at a point, seventy-six (76) feet, from the Westerly line of Minot Avenue, Westerly for a distance of forty-eight (48) feet.

Main Street

West side, from the Southerly line of Court Street, Southerly for a distance of thirty-five (35) feet.

East side, beginning at a point forty (40) feet Southerly of the Southerly line of Court Street. Southerly for a distance of sixty (60) feet.

East side, beginning at the Southeasterly corner formed by Main Street and the alley-way between the Twin City Tire Co. Building and the Building at 126 Main Street and extending Southerly for a distance of thirty-four (34) feet.

Minot Avenue

East side, beginning at a point, sixty (60) feet Southerly of the Southerly line of Court Street, Southerly for a distance of fifty (50) feet.

East side, beginning at a point, three hundred and thirty-eight (338) feet Southerly of the Southerly line of Court Street, Southerly for a distance of eighty-seven (87) feet.

East side, beginning at a point, seven hundred and fifty-six feet Southerly of the Southerly line of Court Street, Southerly for a distance of thirty-seven (37) feet.

West side, beginning at a point, fifty (50) feet Southerly of the Southerly line of Court Street, Southerly for a distance of fifty (50) feet.

West side, beginning at a point on the curb at the base of CMP. Co pole # 23 and running Southerly for a distance of sixty (60) feet.

South Main Street

West side, from the Northerly line of Mill Street. Northerly for a distance of fifty (50) feet.

Broad Street

Southeast side, from the Southerly line of Mill Street, Southwesterly for a distance of forty-five (45) feet.

CITY OF AUBURN, MAINE

Northwest side, beginning at a point, eighty-two (82) feet from the Northeast side of Second Street and running in a Northeasterly direction for a distance of thirty-two (32) feet.

Mill Street

South side, beginning at a point, eighty-one (81) feet from the Northeast side of Broad Street and running East for a distance of forty-five (45) feet.

5.2. Taxi Stands

Main Street

On East side, beginning at a point thirty-four (34) feet from the Southeasterly corner formed by Main Street and the alley-way between the Twin City Tire Co. Building and the building at 124 Main Street, and extending Southerly for a distance of twenty (20) feet.

Court Street.

On the South side, beginning at a point, fifty-five (55) feet from the Westerly line of Main Street and extending Westerly for thirty-seven (37) feet.

Broad Street.

On the Northwest side, beginning at a point, forty-six (46) feet from the Westerly side of Third Street and extending Westerly for forty-two (42) feet.

5.3. Freight Loading Zones.

1. Beginning at a point of curbing 16 feet 6 inches South from Northeast corner of Main Street in a Southerly direction on Main Street for 30 feet.
2. Beginning at a point of curbing 52 feet South from the Southwest corner of Miller Street Arcade in a Southerly direction on Main Street from a distance of 23 feet 8 inches.
3. Beginning at a point on curbing 108 feet 6 inches South from the Southwest corner of Miller Street Arcade in a Southerly direction on Main Street for a distance of 42 feet 6 inches.
4. Beginning at a point on curbing 8 feet North from the South end of Roak Block in a Northerly direction on Main Street for a distance of 42 feet.
5. Beginning at a point on curbing 97 feet North from the South end of Roak Block in a Northerly direction on Main Street for a distance of 23 feet.
6. Beginning at a point 158 feet North on curbing from the South end of Roak Block in a Northerly direction on Main Street for a distance of 11 feet.
7. Beginning at a point on curbing 181 feet North from the South end of Roak Block in a Northerly direction on Main Street for a distance of 23 feet.

8. Beginning at a point on curbing 50 feet 3 inches North from the Southwest corner of the Huston Building in a Northerly direction on North Main Street for a distance of 23 feet.
9. Beginning at a point on curbing 16 feet South from the Northeast corner of the Young's Plumbing Co. Building in a Southerly direction on North Main Street for a distance of 21 feet 8 inches.
10. Beginning at a point on curbing from the Northeast corner of Vincent Building in a Southerly direction on Mill Street for a distance of 41 feet.
11. Beginning at a point on curbing 72 feet South from the Northwest corner of the United Shoe Machinery Corp. Building, also known as the Fitz Bros. Building in a Southerly direction on Minot Avenue for a distance of 20 feet 6 inches.
12. Beginning at a point on curbing from the Northwest corner of the Aircraft Shoe Building in a Southerly direction on Railroad Street for a distance of 24 feet.
13. Beginning at a point on curbing 28 feet 10 inches South from the Northeast corner of Snow's Inc. Building in a Southerly direction on Turner Street for a distance of 22 feet.
14. Beginning at a point on curbing 59 feet North from the Northwest corner of Jesse's Diner in a Northerly direction on Turner Street for a distance of 25 feet.
15. Beginning at a point on curbing at the Southeast corner of the Cushman Building in a Westerly direction on Court Street for a distance of 23 feet.
16. Beginning at a point on curbing 261 feet 6 inches North from the South end of Roak Block in a Northerly direction on Main Street for a distance of 11 feet 6 inches.
17. Beginning at a point on curbing from the Northeast corner of the Pickard Block in a Southerly direction on Main Street for a distance of 24 feet.
18. Beginning at a point on curbing 112 feet South from the Northwest corner of the Cushman Building in a Southerly direction on Union Street for a distance of 23 feet.
19. Beginning at a point on curbing at the Southwest corner of the Cushman Building in a Northerly direction of a distance of 32 feet on Union Street.
20. Beginning at a point on curbing 42 feet West from the Southwest corner of the Ruggles Block in a Westerly direction on Summer street for a distance of 29 feet 6 inches.
21. Beginning at a point on curbing 30 feet East from the Northwest Corner of the Olfene Building, so-called, which is at the corner of Minot Avenue and Court Street for a distance of 19 feet.

22. Beginning at a point on curbing 25 feet North from the Southwest corner of the Aircraft Shoe Co. Building in a Northerly direction on Railroad Street for a distance of 24 feet.
23. Beginning at a point on curbing 90 feet from the Northwest corner of Turner and Hampshire Streets in a Northerly direction on said Turner Street for a distance of 25 feet.
24. Beginning at a point on the curbing at the Northwest corner of Minot Ave. and Court Street and extending Westerly on Court Street to the driveway on the Westerly side of the Seavey Building, so-called, a distance of forty-four feet.
25. Beginning at a point on the curbing, opposite the Southwest corner of the building located at 36 North Main Street and extending from there in a Northerly direction on North Main Street for a distance of thirty-three feet 8 inches.
26. Beginning at a point on the curbing, 30 feet from the Northwest corner of Mechanics Row and Court Street and extending in a Southerly direction on said Mechanics Row for a distance of 200 feet.
27. Beginning at a point on the curbing, 56 feet from the east side of High Street and running in an Easterly direction on Court Street for a distance of 26 feet 6 inches.
28. North Main Street, beginning at a point on the curbing 16 feet from the Northeast corner of the Auburn Saving Bank Building in a Northerly direction for 45 feet.
29. Court Street, beginning at a point on the curbing 10 feet from the Southeasterly corner of Turner Street in an Easterly direction for 45 feet.
30. Spring Street, beginning at a point on the curbing at the Northeast corner of the Walkins Building, Southerly for sixty-eight feet.

SCHEDULE 6

25 MILES PER HOUR SPEED ZONES

	Approx. Dist. in Miles
Center St. (E. Aub.) CMP Pole #147 to CMP Pole #155	.3
Center St. (Bowdoin St. to Aub. Motor Sales Co.) NET Pole #73 to NET Pole #38	.75
Center St. (Vernon St. to Turner St.) CMP Pole #97 to Turner St.	.2
Turner St., Court St. to NET Pole #63 Sullican Heights	1.3
Lake St. Court St. to NET Pole #53 opposite Tabor Residence	1.2
Gamage Ave., entire length	.9
Court St., North Bridge to CMP Pole #74 Merrillhaven Farm	1.4
Minot Ave., Court St. to Old Poland Road NET Pole #31	1.2
Washington St., Minot Ave. to Brickyard Hill CMP Pole #24	.5
South Main St., Little Andro. Br. to CMP Pole #62 Loring Ave.	1.4
River side Drive, Broad St. to NET Pole #23 opposite cemetary.	.6
Broad St., South Bridge to Tenth St. CMP Pole #28	.5
Old Poland Road, Minot Ave. to CMP Pole #37	.9

All other streets within the boundries of the compact or built-up areas of the City.

SCHEDULE 7

STOP SIGNS

All vehicles shall stop at the following locations.

- On Alpha St. before entering Center St. from the West.
- On Bates St. before entering Center St. from the East or West.
- On Blake St. before entering Summer St. from the East or West.
- On Blake St. before entering Turner St. from the East.
- On Blake St. before entering Winter St. from the West.
- On Beech Hill Road before entering Old Hotel Road from the North.
- On Beech Hill Road before entering Portland Road from the North.
- On Bowdoin St. before entering Center St. from the East and West.
- On Bradman St. before entering Center St. from the East.
- On Broad St. before entering South Main St. from the Southwest.
- On Court St. before entering Mechanic Falls Road from the Northeast or Southwest.
- On Court St. before entering the Old Hotel Road from the Northeast.
- On Coburn St. before entering Center St. from the West.
- On Coburn St. before entering Lake Auburn Ave. from the East or West.
- On Cross St. before entering Center St. from the East.
- On Cook St. before entering South Main St. from the Southwest.
- On Cleveland Ave. before entering Minot Ave, from the West.
- On Chestnut St. before entering Manley St. from the West.
- On Chestnut St. before entering Winter St. from the East.
- On Dartmouth St. before entering Center St. from the East or West.
- On Danville Corner Road before entering the Portland Road from the South.
- On Dunn St. before entering Third St. from the East or West.
- On Dunn St. before entering Fourth St. from the East or West.
- On Dennison St. before entering Turner St. from the East or West.
- On Danville Jct. Road before entering Portland Rd. from the South..
- On Drummond St. before entering Pleasant St. from the East or West.
- On Drummond St. before entering Spring St. from the East or West.
- On Elm St. before entering Minot Ave. from the East.
- On Fairview Ave. before entering Minot Ave. from the Southeast or Northwest.
- On Fairview Ave. before entering Court St. from the Southeast.
- On First Ave. before entering Minot Ave. from the East.
- On Fern St. before entering Granite St. from the Northeast or Southwest.
- On Fern St. before entering Lake St. from the Southwest.
- On Fourth St. before entering Broad St. from the Northeast or Southwest.
- On Fourth St. before entering Cook St. from the North or South.
- On Fletcher Rd. before entering Minot Ave. from the Southwest.
- On Foster Rd. before entering Old Hotel Rd. from the West.
- On Gill St. before entering Seventh St. from the East or West.
- On Garfield Rd. before entering Minot Ave, from the Northeast.
- On Granite St. before entering Court St. from the Northwest.
- On Goff St. before entering Court St. from the North.
- On the Gloucester Rd. or Poland Rd. before entering Minot Ave. from the Southwest.
- On Glendale Ave. before entering Minot Ave, from the Southwest.
- On Grove St. before entering Center St. from the Northwest.

On Hatch Rd. before entering Minot Ave. from the Northeast.
 On Hackett Rd. before entering Portland Rd. from the South.
 On High St. before entering Court St. from the South.
 On High St. before entering Elm St. from the North or South.
 On High St. before entering Academy St. from the North or South.
 On High St. before entering Minot Ave. from the Northeast.
 On High St. before entering Drummond St. from the North or South.
 On Haskell St. before entering Lake St. from the Southeast.
 On Haskell St. before entering Court St. from the Northwest.
 On Hardscrabble Rd. or Lane Rd. before entering Old Hotel Rd.
 from East or West.
 On Hardscrabble Rd. before entering Portland Rd. from the North.
 On Holly St. before entering Court St. from the North.
 On Huard Ave. before entering Court St. from the Southeast.
 On Hampshire St. before entering Turner St. from the West.
 On James St. before entering Court St. from the North.
 On Lake St. before entering Davis Ave. from the East or West.
 On Lake Auburn Ave. before entering Center St. from the Southwest.
 On Lake Auburn Ave. before entering Turner St. from the North.
 On Lake Auburn Rd. before entering Turner Rd. from the West.
 On Lake Auburn Rd. before entering North Auburn Rd. from the East.
 On Martindale Rd. before entering Old Hotel Rd. from the South.
 On Minot Ave. before entering Court St. from the South.
 On Minot Ave. before entering Washington St. from the West.
 On Mill St. before entering South Main St. from the West.
 On Maple Point Rd. before entering Court St. from the Northwest
 or Southeast.
 On Mill St. or Oak St. East Auburn, before entering Center St.
 from the East.
 On Merrow Rd. before entering Old Hotel Rd. from the Northwest
 or Southeast.
 On Merrow Rd. before entering Minot Ave. from the South.
 On Newbury St. before entering Main St. from the East.
 On Ninth St. before entering South Main St. from the West.
 On North River Rd. before entering Center St. from the Northwest.
 On Old Poland or Gloucester Rd. before entering Minot Ave. from
 the Southwest.
 On Old Poland or Gloucester Rd. before entering Old Hotel Rd.
 from the Northeast.

 On the Old Hotel Rd. before entering Minot Ave. from the North
 or South.
 On Old Washington St. before entering the new Highway from the
 North or South.
 On Pleasant St. before entering Court St. from the North or South
 On Pleasant St. before entering Hampshire St. from the North
 or South.
 On Pleasant St. before entering Turner St. from the South.
 On Poland Spring Rd. before entering Old Hotel Rd. from the
 East or West.
 On Park Hill Ave. before entering Minot Ave. from the West.
 On Park Hill Ave. before entering Fairview Ave. from the East.
 On Park Ave. before entering Lake St. from the North or South.
 On Park Ave. before entering Court St. from the North.
 On Pride Rd. before entering Minot Ave. from the Southeast.
 On Pride Rd. before entering Poland or Gloucester Rd. from the
 Northwest.
 On Parker St. before entering Summer St. from the East or West.
 On Parker St. before entering Winter St. from the East.

- On Parker St. before entering Turner St. from the West.
- On Packard St. before entering Main St. from the West.
- On Penley Corner Rd. before entering South River Road from the Southwest.
- On Poliquin Ave. before entering Court St. from the Southeast.
- On Rowe St. before entering Summer St. from the East or West.
- On Rowe St. before entering Turner St. from the West.
- On Rowe St. before entering Winter St. from the East.
- On Roak St. before entering Fourth St. from the East or West.
- On Spring Street before entering Court St. from the North or South.
- On Spring St. before entering Elm St. from the North.
- On Spring St. before entering Hampshire St. from the North or South.
- On Sixth St. before entering Gill St. from the North or South.
- On Sixth St. before entering Cook St. from the North or South.
- On South Goff St. before entering Court St. from the South.
- On Stevens Mills Rd. before entering Mechanic Falls Rd, from the Northwest.
- On Stevens Mills Rd. before entering Court St. from the Southeast.
- On Shepley St. before entering Lake St. from the Northeast.
- On Shepley St. before entering Gamage Ave, from the Southwest.
- On Summer St. before entering Turner St. from the Northwest.
- On Summer St. Ext. before entering Old Hotel Rd. from the Southeast.
- On Summer St. before entering Dennison St. from the North or South.
- On Second St. before entering Broad St. from the North.
- On South Main St. before entering Broad St. from the South.
- On Sheridan Avenue before entering Minot Ave. from the North.
- On Stetson St. before entering Center St. from the East or West.
- On School St., East Auburn, before entering Turner Rd. from the Northwest.
- On Third Avenue before entering Minot Ave. from the South.
- On Towle St. before entering Mechanic Falls Rd. from the Northeast.
- On Third St. before entering Broad St. from the North or South.
- On Turner St. before entering Turner Rd. from the North and South.
- On Turner St. before entering intersection of Turner St. and Center St. from Northwest.
- On Turkey Lane before entering Portland Rd. from the North or South.
- On Troy St. before entering Hampshire St. from the North or South.
- On Troy St. before entering Turner St. from the West.
- On Union St. before entering Court St. from the North.
- On Union St. before entering Hampshire St. from the North and South.
- On Vernon St. before entering Whitney St. from the East or West.
- On Vernon St. before entering Center St. from the West.
- On Western Ave. before entering Court St. from the South.
- On Western Ave. before entering Minot Ave. from the North.
- On Western Prom. before entering Lake St. from the North.
- On Waterman Rd. before entering Turner Rd. from the East.
- On Winter St. before entering Dennison St. from the East or West.
- On Whitney St. before entering Center St. from the North.
- On Whitney St. before entering Lake Auburn Ave. from the North or South.
- On Willow St. before entering Manley St. from the South.
- On Willow St. before entering Hampshire St. from the North or South.
- On Young's Corner Rd. before entering Old Hotel Road from East or West.

CHAPTER 27

USE OF STREETS AND PUBLIC PLACES

Article 1

Use of Streets

Section 101. Statement of purpose.

The following sections are enacted to preserve the individual rights of citizens in the use of streets, to protect them in their public use and enjoyment thereof, and to preserve public ownership and public use of streets without private encroachments, not only for citizens of today but also for posterity.

Section 102. Definitions.

The word "street" or "streets" as used in this ordinance shall be understood as including highways, ways, avenues, courts, lanes, alleys, parks, squares, places, sidewalks, and bridges. The definitions of words and phrases as contained in the Traffic Code Ordinance of this City are hereby made applicable to this and to every other ordinance of this City.

Section 103. Abandonment.

No person shall abandon any vehicle or other property on any street, or upon the property of another person without consent of such person.

Section 104. Assemblage.

No person or persons shall hold or address any public meeting or assemblage of people in any street without a permit to do so granted by the City Clerk and approved by the City Manager.

Section 105. Auction.

No person shall offer for sale or sell any goods, merchandise or other things at public auction in any part of any street, or from a building to any person on any street, without first obtaining a license therefor from the City Clerk.

Section 106. Awnings.

No owner or lessee of a building to which an awning is hereafter attached shall allow any part of said awning to be nearer than seven feet of the surface of the sidewalk or street, and the fixtures thereof shall be securely fastened and supported in such a manner as not to interfere with pedestrians. No person shall hang up or expose for sale any goods, wares or other merchandise upon any awning in such a manner as to endanger or inconvenience the public travel.

Section 107. Begging.

No person shall beg in any street or public place.

Section 108. Blasting.

No person shall blast any rock or other substance at any time within the thickly settled portions of the City, nor within 20 rods of any public square, highway or inhabited dwelling in the City without first obtaining a written permit from the City Clerk approved by the City Manager, which permits shall specify the terms and conditions on which it is granted, provided that the remedy of persons injured by a blast of rocks shall not be affected by this section or any permit granted thereunder nor shall it be construed as applying to the Superintendent of Street in the discharge of his official duties. As provided by Section 22 of Chapter 128 of the Revised Statutes of Maine (1944), persons engaged in blasting lime-rock or other rocks shall before each explosion give reasonable notice thereof, so that all persons or teams approaching shall have time to retire to a safe distance from the place of said explosion; and no such explosion shall be made after sunset; whoever violates the provisions of this sentence forfeits as provided by said Section 22.

Section 109. Bulletin Boards.

No person shall erect or maintain any bulletin board within the limits of any street without first obtaining a permit from the City Clerk and approved by the City Manager.

Section 110. Business in Streets.

No person shall in any part of a street expose any goods for sale, unless the same is especially allowed by law or ordinance, without first obtaining a written permit from the City Clerk to do so.

Section 111. City Clerk.

Unless otherwise ordered or provided, the City Clerk is hereby appointed to serve all notices and to issue all licenses and permits as required and provided under this or any other ordinance of the City, or as may be required by State law or otherwise.

Section 112. Cleaning Sidewalks.

No person in removing dust, dirt, debris, snow, ice or mud from any sidewalk or crosswalk of the City shall project or cause to be deposited any such material upon the person or apparel of any person nearby or passing, but in all cases such material shall be removed in a careful manner, and the person so engaged in removing the same shall if necessary discontinue such operation until the person passing or nearby shall have reached a safe distance.

Section 113. Conduct.

No person shall engage in any indecent, insulting, immoral or obscene conduct in any street or public place.

Section 114. Damage or destruction.

No person shall maliciously destroy or damage any public property, or any private property not his own, in any street or

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public place.

Section 115. Dead Body of a Person.

No person except a duly licensed undertaker, or one acting under the direction of a licensed undertaker, shall transport or assist in transporting any dead body of a person on, along, across or through any street or public place, nor bury such a body within the City limits except in a place enclosed and act apart as a place of burial.

Section 116. Defacement.

No person shall make any indecent figure or write figure or write any indecent or obscene words upon any fence, sidewalk, building or other public place in the City, nor deface any public building or any building not his own, by cutting, breaking, daubing with paint, or in any manner deface or injure the same.

Section 117. Disturbance.

No person shall create a disturbance in a street or public place, or at any lawful assembly.

Section 118. Doors: on Sidewalk.

No person shall construct or maintain any cellar door or doors or gratings, or any sidewalk of the City without first obtaining a permit therefor from the City Clerk bearing the written approval of the City Manager. No person shall suffer any cellar door or passage from the sidewalk into any cellar to be kept open when not in immediate use, nor in any case after sunset.

Section 119. Doors: Swinging to Sidewalk.

No person shall allow any gate or door belonging to the premises under his control and adjoining any public street, to swing on, over or into any street or on, over or into any street or on, over or into any sidewalk.

Section 120. Drain and Sewer Operations.

Every person who shall have obtained a permit to open or make or repair a drain in any street or other public place shall keep a good and sufficient fence or railing around the same during the whole time of making or repairing thereof, except when the laborers are actually at work.

Section 121. Encroachment; by Structures: Duty of Council.

Whenever the City Council shall ascertain that any structure encroaches upon the limits of any street, it shall forthwith issue a notice to the offending party that such structure be removed within a reasonable time as said Council shall therein specify, and in case the offending party shall not comply with said order, the City Council shall order the Superintendent of Streets to remove such structure, at the charge and expense of the persons maintaining the same, in addition to the penalty prescribed for violation at this section.

Section 122. Encumbrance: by Building Materials.

No person shall occupy any street for the purpose of placing wood, lumber, bricks or any other material intended to be used in erecting or repainting any building on any land abutting on any of the streets or public places within the City, except in accordance with the terms of a building permit previously obtained, and any authorization thereunder by the Building Inspector. Such permits or authorization thereunder shall allot such part of the street or other public place as the Building Inspector may deem necessary and sufficient for the purpose, and so as to leave convenient room for vehicles and pedestrians to pass therein, and the part so allotted may be used for placing all materials for any such building or other purposes, and for receiving the rubbish arising therefrom, and all the rubbish arising therefrom or thereby shall be fully and entirely removed and carried away at the expense of the person so building or repairing and so occupying said street or other public place, in such time as shall be limited and expressed in such building permit or authorization thereunder. Such building permit or authorization thereunder may contain such reasonable conditions and limitations with regard to the erection and maintenance of barricades, warning signs and lights and such other precautions as the Building Inspector may deem necessary.

Section 123. Encumbrance: By Failure to Remove Immediately Things Placed on Street or Sidewalk.

No person shall place or keep, or cause to be placed or kept, any box, barrel, bale of goods, wood, coal, merchandise, wares, goods or any other article or articles, on any street or sidewalk, except for immediate conveyance across the same: provided, that this section does not apply when a building permit has been issued to such person by the Building Inspector for a building operation at that place and time, and such encumbrance is so permitted thereby, and also provided that nothing in this ordinance shall be construed as prohibiting the necessary use of the streets by any vehicles operated by the City or by any public utility: such public utility corporation shall however conform so far as practicable to the regulations contained herein.

Section 124. Encumbrance: By Sales Display.

No person engaged in the sale of goods, wares or merchandise shall deposit, pile, place, or display for purposes of sale, or cause or permit to be deposited, piled, placed or displayed for the purpose of sale, any such goods, wares, or merchandise upon or overhanging any sidewalk or street in front of or adjacent to his business or premises.

Section 125. Excavating near Street.

No person shall make any excavation near any street or public place in this City, so as to endanger any portion thereof, without first having obtained a permit from the City Clerk. Any person violating this section shall be fined not less than \$20 nor more than \$100 for each offense.

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Section 126. Excavations: Street.

No person shall break or dig up the ground in any street without a permit from the Superintendent of Streets. There shall be no fee for permit but permittee shall pay cost of repairing excavation.

Section 127. Fences, Barbed Wire.

No fence or barbed wire, or of which barbed wire is a part, shall be constructed or maintained upon, or along, the line of any street or public place, in such a manner that any person passing along said street can come in contact with said barbed wire.

Section 128. Fence or Rail: Required.

Owners and lessees of any lot of land abutting on a street in this City, which for want of a fence or rail shall be dangerous, shall place, or cause to be placed in front of said lot, upon or near the line of said street, a fence, rail or guard, which in the opinion of the Superintendent of Streets shall be a sufficient guard and protection to the public from danger, by reason of the situation of such lot. If any owner or lessees of such lot shall refuse or neglect compliance with the requirements of this section, he shall on conviction pay a penalty of not less than \$5 nor more than \$10 for every day during which such lot shall remain unfenced, and if the owners or lessees neglect or refuse for two days after notice in the premises, from the Police Chief or any public officer, to build or cause to be built such fence or guard, the Superintendent of Streets shall forthwith cause a proper fence, rail or guard to be constructed in front of such lot at the cost of the owners or lessees thereof.

Section 129. Firearms.

No person, except a Police Officer in the performance of his duties, shall without a permit from the Police Chief discharge any firearm within the City limits, except (1) at military exercises, funerals or reviews, (2) memorial events, (3) in proper defence of himself, his family and his property, or (4) for the destruction of a dangerous animal.

Section 130. Fireworks.

No person shall act off or explode any firecracker bombs, skyrockets, or other explosive devices commonly known as fireworks, in any street or public place within the City limits, except an event conducted by the municipality or by a non-profit organization with the written permission of the City Manager.

Section 131. Games.

No person, shall within the limits of any street in the City, play at any game of ball, amusement of exercise, interfering with the convenient and free use of such streets by persons or vehicles traveling thereon, except such streets as may be designated as a "playstreet" by the City Manager, and then only for the period definitely so designated.

Section 132. Hydrants.

No person except one duly authorized shall remove the cap from any water hydrant in the City. No person shall interfere with or meddle with, obstruct the approach to, partially or wholly cover with snow or any other substance, or in any manner damage or deface such hydrant or decrease its immediate fully effective availability in event of an emergency.

Section 133. Intoxication.

As provided by Section 95 of Chapter 57 of the Revised Statutes of Maine (1944) as amended by Chapter 11 of Public Laws of Maine, 1945, whoever is found intoxicated in any street, highway or other public place shall be punished for the first offense by a fine of not more than \$10, or by imprisonment for not more than 30 days, or by both such fine and imprisonment, and upon any subsequent conviction by a fine not more than \$50, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

Section 134. Jostling.

No person shall jostle or roughly crowd people unnecessarily in any street or public place.

Section 135. Lines and Grades of Streets.

No person shall proceed to erect or make alteration in the location or grade of any fence, wall, building or other structure which is to be built upon land abutting on any public street, without first applying to the City Manager for the lines and grade of such street upon which he intends to build. Such application shall be made in writing at least 15 days before the work is begun, and the City Engineer shall, within such time, furnish the required lines and grades without charge to the applicant, if in his power so to do. If there is no established grade on said street, the City Engineer shall so report to the City Manager, who shall proceed to cause such grade to be established. In default of such application by any person desiring to erect or alter any structure, as aforesaid, he shall be held to have waived all claims for damages resulting from such default.

Section 136. Littering.

No person shall by hand, or by any conveyance not a vehicle, carry or convey, dirt, manure, shavings, cinders, stone, sand, coal, wood, hay, straw, ashes or other substances or materials on, over or across any street within the City and allow or permit any portion thereof to fall or be deposited upon the said street, unless the said material is forthwith and immediately removed therefrom.

Section 137. Loitering: About Private Dwellings.

No person shall loiter or lurk in any of the street: or public places or adjacent to either, for malicious or unlawful purposes, and no person shall loiter unnecessarily in or about any private dwelling or peep into the window of any private dwelling to the discomfort or alarm of the inmates of such dwelling, the neighbors or any person going to and from the same. Whoever violates this

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section shall be punished by a fine of not less than \$20 and not more than \$50.

Section 138. Loitering On Street.

No person shall loiter in any street or public place, or in doorway of any store, after being ordered to move on by a Police Officer.

Section 139. Minors: Regulation of.

No child under age 16 shall be or remain upon any street or other public place in the City after 9 o'clock P.M., standard time (or daylight time if such time is then in current use in the City) unless a reasonable necessity or good reason exists therefor, nor shall any parent guardian or other person having legal custody of any minor under age 16 so allow or permit said minor. Any child under 16 not accompanied by an adult found on a public street or other public place after said 9 o'clock and with no apparent necessity or good reason therefor, shall be accosted by any Police Officer to ascertain whether there is any necessity or good reason exists, he shall take the name and address of the same child and his parents or guardian and report the same to Police Chief who shall cause notice of violation of this section to be given to said parent or guardian. Any such parent, guardian or custodian of a minor who shall violate the provisions of this section after having received from the Police Chief the notice provided for herein as to a previous violation of the provisions of this section shall be liable to a penalty not exceeding \$5 for each offense after the first offense to be recovered to the use of the City on complaint or by other appropriate action before the Auburn Municipal Court. Any person liable to a fine hereunder may if he so elects pay \$5 to the Police Chief in lieu of being summoned to and appearing in court: in such event the Police Chief shall furnish a receipt for such payment to the violator. As an aid in the enforcement of this ordinance, it is hereby made the duty of the Fire Chief to cause two successive blasts of the fire alarm at 9 o'clock each night.

Section 140. Missiles.

No person shall throw any missiles in any street or public place.

Section 141. Monuments.

No person shall remove or conceal any monument set as a street boundary in the City; whoever violates this section shall pay a penalty of \$25. In case it becomes necessary for any City official or employee to remove or cover any such monument, he shall first notify the City Engineer that he may make such measurements and notes of the position of said monument as may be necessary for its accurate replacement at any time.

Section 142. Noise.

No person shall, in any street, wilfully or mischievously make any unusual noise either by the voice or other means, or sing loud, improper, lewd, obscene or boisterous songs, or in any manner

conduct himself rudely, noisily, or in a way calculated to disturb the quiet and good order of the City. The penalty for violation of this section shall be not less than \$3 nor more than \$20.

Section 143. Notices.

No person shall deface or tear any public notice ordinance or advertisement posted in a street or public place by any public official in the performance of his duties.

Section 144. Nuisance.

No person shall commit any nuisance in any street or public place.

Section 145. Numbers: Building.

No person shall remove, obliterate, mar, deface or destroy any house or building number attached to or painted on such house or building as required to be displayed.

Section 146.

No person shall place any obstruction in any ditch or water course by the side of any street in this City without providing a sufficient culvert for the passage of the water that shall be acceptable to the Superintendent of Streets, and then when only with the approval of the Superintendent of Streets, under a penalty not exceeding \$10.

Section 147. Obstructions: Liability.

Any person having the care either as owner or occupant of any premises bordered by a public street or alley shall be liable to the City for any legal liability that may be adjudged against the City as a result of the placing of the placing of obstructions of any nature in said public street or alley by such person, his employees, or agents.

Section 148. Openings in Street on Sidewalk: Construction.

No person shall make or cause to be made an aperture in or under any street or sidewalk for the purpose of constructing coal holes or receptacles for any other articles, or for light or air, or for any other purpose, without first obtaining a written permit therefor from the City Clerk bearing the approval of the City Manager, and no person shall leave such coal-hole or other aperture open or unsafe, except while actually in use and then when only properly protected against endangering passersby. A \$500 bond shall be required for such a permit, conditioned as required in the License and Permit Ordinance, for all such hereafter made.

Section 149. Openings in Street or Sidewalk.

When a cellar door, vault, coal-hole, or other structure or aperture is maintained in, upon or under any street, sidewalk or public place. the occupants or owners of the estate of which such cellar door, vault, coal-hole or other structure or aperture belongs, shall keep the same in good repair, and if at any time such

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cellar door, vault, coal-hole or other structure or aperture is out of repair or if, in the opinion of the Superintendent of Streets, public safety is thereby endangered, he shall notify said owners or occupants of the fact, and if they neglect or refuse for the period of 24 hours to repair such cellar door, vault, coal-hole or other structure or aperture, the said Superintendent shall forthwith cause such repairs to be made at the expense of such owners or occupants, which expense may be collected from them in an action of debt, for the use of the City, and they shall be liable to a further penalty of not exceeding \$20 for each 24 hours that such cellar door, vault, coal-hole or other structure or aperture continues to be out of repair after notice from the said Superintendent, as aforesaid. Every person who hereafter maintains a cellar door, vault, coal-hole or other structure or aperture in or under any street or public place, shall do so only by continuing in full force and effect the permit bond required in the previous section, conditioned that such maintenance shall bind him to keep the same and the covers thereof in good condition and repair at all times during his ownership or control of the same, and to indemnify and save harmless the City against all damages caused and expenses incurred in consequence of the same being out of repair or left open.

Section 150. Overhangings on Street or Sidewalk.

No person shall hang or cause to be hung any goods or other thing over any sidewalk or street, unless otherwise permitted by law or unless a permit is granted therefor, provided, that this section does not apply to non-commercial flags.

Section 151. Paint on Sidewalks.

No person shall paint or cause to be painted any sign, advertising or any other matter upon the public sidewalks, or apply paint thereto for any purpose in any manner, except such paint as may be applied under the direction of a public official or employee for public purposes.

Section 152. Poison

No person shall leave any box, bottle or package of any kind containing poison or other dangerous matter or thing, in any street, public place, or in any doorway, in such a manner that such box, bottle or package or dangerous matter or thing may be picked up or fall into the hands of children causing injury to any person using the street.

Section 153. Profanity.

No person shall utter any profanity, indecent or improper language in any street or public place.

Section 154. Projections onto Sidewalk or Over Street.

No person shall make or maintain any door-step platform, portion of porch, or any entrance or passageway to any cellar or basement, or any other structure projecting into or upon any street or sidewalk.

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Section 155. Pumps: Sidewalk.

No sidewalk gasoling or other pumps shall hereafter be installed within the limits of any street or sidewalk or in any place where the stopping of vehicles to be served from such pumps shall be in any part of the street or sidewalk provided, however, that any pumps, so installed, existing at the time of the passage of this ordinance may continue in operation and may be repaired or replaced but there shall be no extension or expansion of the existing space occupied by such pumps.

155.1. All existing sidewalk pumps shall be licensed by the City Clerk.

Section 156. Raising or Lowering Objects.

No person shall raise anything from, or lower anything to any street or public place by means of a rope, chain, pulley, or similar device without first obtaining a written permit from the City Clerk, and providing protection satisfactory to the Police Chief for pedestrians or vehicles using said street.

Section 157. Refuse: Conveying.

No person shall convey along or through any of the streets of the City, any refuse, garbage, offal, decayed meat, decayed fish, or decayed vegetables, or other filthy substance, giving off offensive odors or stench, except when the same is conveyed in such a manner as will in every case prevent the escape of such odors or stench and the dropping scattering or depositing of any such filthy substances on any street or private property.

Section 158. Refuse: Placing or Throwing.

No person shall place, pile, throw, sweep, or deposit, or cause to be placed, piled, thrown, swept or deposited, any ashes, carrion, trash, dirt, cards, paper, glass, tacks, manure, rubbish, nuisance or refuse of any kind into any street or on any sidewalk or other public place, or upon the premises of another, except with the approval of the private owner who then becomes responsible that it does not become a nuisance, and except at an officially designated dump.

Section 159. Removal of Building Materials.

No person shall remove any sand, dirt, or street building or repairing material owned by the City from any street or sidewalk without permission of the Superintendent of Streets.

Section 160. Signs, Street Name.

No person shall injure, damage, deface, break, take down or remove, or in any manner interfere with any street-name sign placed in a street under authority of the City Council except a public official or employee for repair or replacement purposes. No person shall place any street-name or signs on any street except by authority of the City Council.

Section 161. Signs of Warning Required.

No person engaged in building, altering or repairing a street or sidewalk shall fail to provide such barricades, danger signs, lanterns, flares or other light as may be necessary during the process, day and night, for the purpose of guarding or enclosing unsafe or dangerous places or giving warning or notice thereof, in a manner approved by the Superintendent of Streets.

Section 162. Signs of Warning: No Interference with.

No person shall damage, interfere or meddle with, remove, throw down, destroy or carry away from any street or public place, any lamp, lantern flare or other light, barricade or danger signal, erected and placed therein for the purpose of guarding or enclosing unsafe or dangerous places or giving warning or notice thereof.

Section 163. Snow.

No person shall deposit or cause to be deposited any large body of ice, or heap of snow, in any street or public place in the City, without breaking or causing the same to be broken into small pieces and spread upon such street or public place.

Section 164. Sidewalks: Space Under.

No person shall use or appropriate any space under a sidewalk for cellar or other underground uses without first obtaining a permit from the City Clerk approved by the City Manager.

Section 165. Sidewalks: Water Draining Thereon.

No owner of any building, lot or premises shall allow rain water or drain water to drain from such building, lot or premises onto a sidewalk or to allow ditches, leaders, ducts or drain pipes to empty onto a sidewalk.

Section 166. Throwing Stones.

No person shall throw any stone or any other thing against any building or buildings, with intent to injure the same, or to annoy or disturb any person who may be therein: and person violating this section shall forfeit and pay a sum of not less than \$5 nor more than \$20.

Section 167. Trees.

No person shall wilfully, cut, dig up, break, injure, damage, destroy or interfere with any tree, shrub, flower bush or other planting in any public park, street or other public places in the City. No person except the Superintendent of Streets and his assistants shall cut or trim trees or parts thereof that are located within or extend over any city street without first obtaining a written permit therefor from the City Clerk.

Section 168. Truants and Absentees from School.

Any person between the ages of 6 to 17, belonging to any public school in the City, who shall be found during school hours by a

truant officer appointed by the Superintending School Committee as required by law, in or near any street or other public place, or places of amusement or resort, without sufficient excuse for absence from school, shall be apprehended by such truant officer and taken to such school as he may be entitled to attend and notice shall be given to the parent, guardian or master of the person so taken.

Section 169. Waste Paper.

No person shall deposit waste paper in street, nor on premises adjoining said street in such a manner that it can blow into said street.

Section 170. Walks, Private.

No private walks shall be built across any street until permission is granted by the Superintendent of Streets and they shall be constructed under his supervision. Such walks shall be removed, repaired, or relaid at the expense of

Section 171. Molestation.

No person shall molest, vex, harass, irritate, torment or annoy any person in any public street or public place.

Section 172. Use of Intoxicating Liquors in Public Places.

No person shall drink any beer, wine or other intoxicating liquor on any street, in any automobile on any street, or in any public place not duly licensed therefor.

Section 173. Parades.

It shall be unlawful for any persons to parade on the streets of said City of Auburn, using banners of any kind or with bands or other musical instruments, unless a permit has been obtained from the Chief of Police of the City of Auburn, and they shall first present to said Chief of Police a request in writing for permission to use the streets of the City of Auburn for the purpose of parading together with the designated route said parade is to follow, the time and duration of said. The Chief of Police may grant said permit for such parade, provided it will not interfere with traffic and will not create a disturbance upon said streets, also provided that when such parades are permitted by the Chief of Police it shall be at such time of the day as will not unreasonably obstruct or hinder traffic on said streets. Any person violating the provisions of this ordinance shall be subject to a fine of \$20 for every such offense, said fine to inure to the benefit of the City of Auburn and the Municipal Court of the said City of Auburn shall have jurisdiction of such offenses.

Section 174. Red Light and Siren.

That it shall be unlawful for any vehicle, except ambulances, fire and Police Department vehicles or other authorized vehicles to be equipped with a red light placed in front of such vehicle, or to use a siren as a signalling device. Any person or persons

CITY OF AUBURN, MAINE

violating the provisions of this ordinance shall each be subject to a fine not to exceed twenty dollars (\$20) for every such offense, said fine to inure to the benefits of the City of Auburn and the Municipal Court of the said City of Auburn shall have jurisdiction of such offense.

Section 175. Fishing: Gully Brook.

No person over the age of 16 years shall fish in that part of Gully Brook which flows through Pettingill Park.

Section 176. Soliciting.

No person or person representing charitable organizations or any organization whatsoever shall be permitted to use the streets or sidewalks of the City of Auburn for the purpose of soliciting funds by means of selling tags, emblems or any articles either of merchandise or otherwise, without first obtaining from the Chief of Police of Auburn a permit for said purpose. Upon refusal by the Chief of Police to issue said permit an appeal may be made to the Auburn City Council, which may grant said permit if it deems it advisable. Any person or persons violating the provisions of this ordinance shall each be subject to a fine of \$20. for every offense, said fine to inure to the benefit of the City of Auburn and the Municipal Court of the said City of Auburn shall have jurisdiction of such offenses.

Section 177. Venders: Newspapers.

No person shall sell or offer for sale any newspaper or other merchandise on any sidewalk or street or public way within two hundred feet of a church on Sunday. The provisions of this Section shall not apply to newboys delivering papers to regular customers at their homes. Any person who shall fail to comply with the provisions of this section shall be subject to a fine of not more than ten dollars (\$10).

Section 178.

Any person who shall be guilty of a violation of any provisions of this ordinance to which a particular penalty is not attached, or provided by State Law, shall be subject to a penalty of not less than \$5 and not more than \$20 for each and every offense. The imposition of a penalty for violation of this ordinance shall not excuse the violation or permit it to continue: such violation shall be remedied within a reasonable time, or within such time limit as may be specified in any notice given to the owner or occupant of the premises by the City Manager, and each day such violation continues to exist following the expiration of the time limit specified in any such notice shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions, nor preclude the City Attorney from causing be instituted an appropriate action to prevent, restrain, correct or abate any violation of this ordinance.

CITY OF AUBURN, MAINE

Article 2

MOTION PICTURES

Section 201. Terms.

201.1. By the "term" "Picture Machine", as used in the following sections, is meant any machine or device operated by or with the aid of electricity, calcium light or other illuminant and adapted or used to project upon a screeh or other surfaces pictorial representations in which films are used.

201.2. By the term "Inflammable Film" is meant any film whose base is nitrated cellulose.

201.3. By the term "safetyfilm" is meant any film having slow-burning characteristics as determined by the Underwriter's Laboratories of other suitable authority.

Section 202. Conditions.

From and after the passage of this ordinance no picture machine shall be installed, maintained or licensed, except when in conformity with the provisions of this ordinance.

Section 203. Booth Construction.

Every picture machine using inflammable film shall be installed or operated within a booth, to be not less than 6 x 8 feet in size and 7 feet high. The booth shall be built of brick, tile, or plaster blocks, plastered on both sides, or of concrete, or of metal frame of angle iron not less than $1\frac{1}{2}$ inches by $\frac{1}{4}$ inch, properly braced to secure reigidity, and sheathed and reefed with sheet iron of not less than No. 20 U. S. Metal gauge, or with $\frac{1}{4}$ inch hard asbestos board securely riveted or belted to the angle iron frame: or two inches of solid metal lath and Portland cement plaster may be used, or such other materials as may from time to time be approved by the National Board of Underwriters.

203.1. The entrance door into the booth shall be at least two feet by five feet, of the same construction as the booth and so arranged as to close automatically by metal rope and weight attachment, or by a spring of sufficient strength and tension to keep the door securely closed.

203.2. The orifice or opening for the operator's view, or through which the picture is thrown, shall not be larger than six inches by 12 inches, and shall be provided with a gravity door of the same construction as the booth, which door shall be held open by fusible links placed in series with fine cords, so arranged that one of the links is suspended directly over the film when in the slide of the apparatus, or the door shall be arranged as to be normally, closed and held open by pressure of the operator's foot.

203.3. All shelves, furniture and fixtures within the booth shall be constructed of incombustible material, and so combustibile material of any sort whatever shall be permitted or allowed to be within such booth, except the films used in the operation of the machine.

203.4. Each booth must have an opening not less than twelve inches in diameter, for ventilation, which must be flanged to carry standard conductor pipe for exhausting the hot air generated in operating the machine. Connection for ventilation should vent to chimney or outside of building, in order to carry off hot air or explosive gases.

Section 204. Picture Machine.

All picture machines shall be of a type listed by the Underwriter's Laboratories. Inflammable films not in the machine shall be kept within the booth enclosing the machine in boxes, with tight-fitting covers. Hot carbons taken from the lamps shall be deposited in a metal receptable, approved as fireproof.

Section 205. Switches, Wires and Exits.

The electrical wiring shall be in accordance with the rules and requirements for electric wiring embodied in the National Electrical Code. Each lamp connected with a picture machine shall be provided with a separate switch located within the booth. There shall also be two switches controlling the lights in the exhibition room one of which shall be operated from the booth and the other so placed that it is within the reach of the ticket taker or other person stationed at the entrance door. There shall be provided a separated system of lighting controlled by switches operating red signals lamps and located within the reach of the ticket taker, and there shall be one such lamp placed at each exit, with a sign marked "EXIT" in letters not less than five inches high. The location of these signs and lights shall be determined by the Chief of the Fire Department.

Section 206. Arrangement, Location, and Type of Exits of Building

No picture machine using inflammable film shall be installed, maintained or operated in any building that does not butt directly upon a street, and in no case shall the main floor of such exhibition room be more than four feet above or below the adjoining street level. To overcome any difference of level on the ground floor, ramps shall be employed of not over one foot in ten feet: no steps shall be permitted. Exit doors shall be at the level of the sidewalk. In exhibition rooms directly abutting upon one street, the booth enclosing the picture machine shall be placed at that end of the room that is opposite and farthest from the street, or on a balcony. No room shall be used as an exhibition room unless it has at least one separate and distinct exit in addition to the front exit. An exhibition room located at the corner and directly abutting upon two streets, or on a street and an alley, the booth enclosing the machine may be located at the end of the room opposite to and farthest from either street or alley. All exits and entrances shall open directly from the exhibition room upon the street or alley or into a vestibule or lobby opening immediately into the street or alley. No exit in exhibition halls for picture machines shall be less than five feet wide and all exit doors shall be arranged to swing outward. The aggregate width in feet of such exits shall be not less than one foot for each twenty persons to be accommodated thereby. All aisles shall lead directly to exits and all exits shall be directly accessible to aisles. No aisle shall be less than three feet in width.

All seats in any exhibition hall for pictures machines shall be securely fastened to the floor and shall be so arranged that there will not be more than six seats between an aisle and a wall and not more than twelve seats between two aisles.

No stage, platform or scenery shall be placed, maintained or allowed to remain in any exhibition room from picture machine unless of fireproof material.

Section 208. Compliance.

No individual, partnership or corporation shall be permitted to conduct the business of moving picture exhibitions using inflammable films until the applicant therefor has procured from the Chief of the Fire Department his certificate that the premises where the exhibitions are to be given and the apparatus used in connection with the said exhibitions are in compliance with this ordinance.

Section 209. Revoke Licenses.

The Chief of the Fire Department shall have authority and it shall be his duty to revoke the license issued to any person, firm or corporation for conducting or maintaining picture machines exhibitions, when he shall be satisfied that such licensee has violated any of the provisions of this ordinance. Provided, however, before revoking such licenses opportunity shall be given such license to appear before the City Council and show, if possible, cause why the same should not be revoked.

Section 210. Provisions apply to.

The requirements herein named so far as installation of picture machines using inflammable film and the construction and location of booth are concerned; shall apply to theatres, churches, school, and public halls.

Section 211. Use of Safety Film.

Every person, firm or corporation maintaining or using a picture machine with safety film only and without a booth shall file with the Chief of the Fire Department a statement that only safety film will be used.

Section 212. Special Permits.

The Chief of the Fire Department may in writing permit use of motion picture machines in churches, school building, club or lodge buildings, and minor assembly halls, for period of not more than seven days in any one month, when the means of egress provided is at the ratio of not less than three feet per 100 persons to be accommodated: and when in his judgement the lives and limbs of persons assembled therein will not be endangered. Such written permission shall state the maximum number of days per month the said motion picture machine may be used and such other conditions on which the permit has been issued. Such temporary use of a motion picture machine shall not change the classification of the occupancy of the building and motion picture machines so installed shall use only when approved "safety films".

This classification does not include buildings or parts of buildings in which approved miniature-type motion picture machines are used.

Article 3

Dances

Section 1. Term.

The "Term" dance for the purpose of this Ordinance shall include a. Every dance held in a public dance hall.

Section 2. Time Limit.

All Dances shall be terminated at 12 o'clock P.M. Eastern Standard Time from the first day of October until the first day of May of the year following, and at eleven (11) o'clock P. M. Eastern Standard Time from the first day of May until the f i r s t day of October of the current year.

Section 3.

Supervision

Police supervision, consisting of one regular police officer or duly qualified and regular substitute shall be in attendance at every dance; said officer to be paid by the person, partnership or corporation conducting said dance.

The amount to be paid such officer shall be \$5. for attendance at dance held within the built-up section of the City and ending at midnight: \$6 for dance held beyond the built-up section of the City and ending at midnight.

The amount to be paid to such officer for dances to be held anywhere within the City of Auburn, beginning or extending beyond midnight, shall be the sum of \$7.

The provisions of the foregoing section shall not be applicable to hotels, except that on certain nights before holidays, if, in the judgement of the Chief of Police of the City of Auburn, conditions warrant the attendance of an officer.

Section 4. Minors.

It shall be unlawful after nine-thirty o'clock P.M. to permit any person to attend or take part in any dance or remain in any dance hall if such person is under sixteen years of age, unless such person be in company of at least one of his or her parents or legal guardian, except regular school or high school dances or sorority dances held under the supervision of, or with the knowledge and consent of the principal of the school whose students are sponsering or are participating in said dances. It shall be unlawful for any person to make misrepresentation or false statements as to the age of himself or of any other person for the purpose of obtaining the admission of such person to remain therein in violation of this section. It shall be unlawful for any person to represent himself or herself to be parent or

legal guardian of any person in order that such other person may obtain admission to such dance hall or be permitted to remain therein.

Section 5. Closing Time.

In the event the Policeman on duty as said dance discovers improper conduct in the dance hall, he shall order the dance stopped.

Section 6. Lighting.

The hall shall be well lighted during the progress of the dance and while patrons are in attendance.

Section 7. Intoxicated Persons.

Intoxicated persons shall be barred. No person at all under the influence of intoxicating liquor shall be permitted in any dance hall or on the dance hall property during the progress of any dance, and no person shall bring any intoxicating liquors on the dance hall property.

Section 8. Penalty.

Whoever violated any of the provisions of the Ordinance shall be punished by a fine of not less than Ten dollars (\$10) or not more than Fifty Dollars (\$50).

CHAPTER 28

UTILITIES

Article 1

Airport

Section 101. U. S. Air Commerce Act.

The uniform field rules for airports provided by the United States Air Commerce Act of 1926, United States Code Annotated Titled 49, and amendments thereto shall hereafter be in full force and effect in the City of Auburn, and especially at or on the Auburn-Lewiston Airport so-called, are hereby enacted by reference and without specifications or particular delineation thereof.

Section 102. Parking, Airplane.

No airship or airplane shall be parked on the airport or flying field except in the hangar and or except in certain designated areas to be designated by the operator of the airport unless attended by a pilot and no plane shall be intentionally stopped, parked, or allowed to remain in any place or position which may endanger the lives or property of others on said flying field.

Section 103. Automobile Movement and Parking.

No person shall drive, stop or park an automobile or other vehicle not used for aviation in or upon areas designated as restricted or dangerous but such vehicles shall be driven or parked only in the areas reserved and designated for that purpose, except, however, that this provision shall not apply to snowplows trucks, or vehicles used for the maintenance and repair of the flying field and runways and vehicles used in emergencies in the regular operation of the airport and delivery of the Mail.

Section 104. Loitering; Smoking.

No person shall loiter in or around the main hangar. No person shall be allowed to smoke inside the main hangar or repair shop.

Section 105. Operation of Planes.

No person shall operate an airplane or airship at said airport so as to interfere with or endanger regular scheduled transport or mail planes entering or leaving said airport.

Section 106. Penalty.

Any person found guilty of a violation of any of the provisions of this article shall be subject to a fine of not exceeding twenty dollars, unless otherwise provided, for each violation, and the Auburn Municipal Court shall have jurisdiction.

Article 2

Pipes, Poles and Wires of Utility Companies

Section 201. Pipes and Underground Wire.

201.1. Permit Required.

As provided by Section 16 of Chapter 46 of the Revised Statutes of Maine (1944), as amended by Chapter 293 of the Public Laws of Maine (1945), no telegraph, telephone, gas, water, electric light, heat, or power company shall lay its pipes or place its wires under the surface of any road or street or dig up or open the ground in any road or street, until it shall have obtained, as prescribed in the following paragraph, a permit in writing from the City Council, and shall specify the roads and streets and the location therein in which such pipes or wires shall be laid; but such permit shall not affect the right of any party or parties to recover damages for any injury to persons or property by the doings of any such corporation.

201.2. Permit Terms.

As authorized by Section 17 of Chapter 46 of the Revised Statutes of Maine (1944), the following rules and regulations as to the location and Construction are hereby promulgated:

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1. Any corporation digging up and opening roads and streets for the purpose stated in the previous paragraph hereof shall do so in such a manner as to cause the least possible interference with the public travel, and shall put all such highways, roads and streets which it shall dig into and open, into as good repair as they were before they were dug into and opened; and on failure to do so within a reasonable time, such corporation shall be deemed guilty of causing a public nuisance and shall be liable to the City for all expenses incurred in making such repairs, all as provided by Section 18 of Chapter 46 of the Revised Statute of Maine (1944) as amended by Chapter 293 of the Public Laws of Maine (1945).

2. Agreement to comply strictly with the terms of the permits.

201.3. Liability..

Any such corporation shall be liable in all cases to repay the City all sums of money that the City may be obliged to pay on any judgment recovered against it for damages occasioned by any obstruction, digging up, or displacement of any way or street by said corporation, together with counsel fees and expenses necessarily incurred in defending the City in actions therefor; provided, however, that said corporation shall have notice of the commencement of any and all suits for such damage, and shall have the right to defend any such action at its own expense; all as provided by Section 20 of Chapter 46 of the Revised Statutes of Maine (1944).

Section 202. Poles and Above-Ground Wires.

202.1. Permit Required.

No person shall place, maintain, or change the location of or cause to be placed, maintained or the location changed, of any pole in any of the streets or public grounds in the City for the purpose of supporting any lines or wires from telegraphic or telephonic purposes, or for the purpose of conduction currents of electricity for the transmission of light, heat, or motive power, or attach such wires to any public building, without first applying in writing for and obtaining a permit from the City Council.

202.2 Permit Terms.

The terms of the permit, which shall be included in the application and agreed to therein by the applicant over his signature, shall include:

1. Agreement that one gain on each pole, below the Electric Power Company's sires and above the Telephone Company's lines or cables shall be reserved on all new and reconstructed pole plant for municipal purposes free of cost to the City;

2. Agreement that no permanant rights shall be obtained in the streets or public grounds by reason of such erection or other action for which permit is requested; or by reason of continuous use of streets, or for any other reason;

3. Agreement that such poles and wires shall be subject to change of location or removal when deemed necessary for the public interests by the City Council;

4. Agreement that in case of fire, if necessary, such poles and wires may be cut or removed by order of the Fire Chief without claim upon the City therefor;

5. Agreement that all such poles shall be of such height, and be finished and painted in such manner as the City Council may prescribe;

6. Agreement and assent to all the applicable provisions of this Ordinance;

7. Agreement to indemnify and save harmless the City of Auburn against all liability, judgments, costs and expenses which may in any manner accrue against said City because of any negligence or alleged negligence in the performance of the work for which the permit is granted, or because of any negligence or alleged negligence in connection with the maintenance and use of such poles and wires, or in consequence of the granting of this permission.

8. Agreement that the applicant will in all things comply strictly with all the conditions of the permit;

9. Agreement that such permit may be altered in whole or in part, or revoked by the City Council at any time after 30 days notice and a hearing at which opportunity to be heard shall be given to all parties interested.

202.3. Poles; Identification.

All poles placed or maintained by any public utility company shall be designated by stencil, with the name of the company owning the same.

202.4. Poles; Maintenance.

Whenever from any cause any of said poles get out of an upright position, so that they become unsightly and disfigure any street alley, lane or court, the owner thereof shall right the same as soon as possible, and shall keep the same at all times in good appearance.

202.5. Fire Alarm Boxes; Keys.

No person, except the Fire Chief and his assistants or the City Electrician shall have a release key to the fire alarm boxes of the City, and no person except the above named and the Police Chief and members of the Police force of the City shall have a key to the outer door of said fire alarm boxes. All persons violating the provisions of this action shall be subject to a penalty of not exceeding \$50 for each offense, to be recovered by complaint to the use of the City.

202.6. City Wires; No Interference.

All persons and corporations are prohibited from affixing or

attaching any wire or cable to any pole in the gain or space provided and maintained for the wire of the fire alarm system or the Police signal and communication lines of the City, which, in the judgment of the City Electrician may interfere in any manner with the City's wire operations.

Article 3

General

Section 301. Agreement to Ordinance Provisions.

The erection by any person or corporation of any wire, pole or other fixture for the purposes aforesaid in the City of Auburn, or the installation of any new underground structure or facility, after the passage of this ordinance, shall be held to be an agreement, on the part of such person or corporation, to all of the requirements, rules, conditions and provisions contained in this ordinance.

Section 302. Information.

All public utilities operating in the City shall file with the City Manager whenever so requested by him, details of their underground structures within the public streets or alleys and likewise file copies of their general layout maps insofar as public streets, alleys and other public property is affected, including information as to location of poles, number of wires thereon, and such other information as the City Manager may deem necessary and require to comply with the requirements of any ordinance.

Section 303. Liability.

Every person erecting, maintaining or using any such poles or wires shall, in case of loss or damage, indemnify and save harmless the City of Auburn its officers, agents and servants from and against all claims and demands for injuries to persons or property, occasioned or alleged to be occasioned by the existence or use of such poles, wires, or the transmission or electric currents by means thereof; and the said City, its officers, agents and servants, exercising the rights and power given to them by any ordinance, shall not be held liable by such person on account thereof, by reason of any injury or damage caused thereby.

Section 304. No Bond Requirement.

No recognized public utility company shall be required by the City to furnish a bond or insurance in connection with any of its operations in the City.

Section 305. No Permanent Rights.

No permanent rights shall be obtained in the streets or any public grounds by reason of erection of any poles, placing of any wires or poles, or by reason of continuous use of streets, or for any other reason.

Section 306. Ordinances.

All public utility companies operating in the City shall be subject to the provisions of all ordinances of the City, with regard to all portions of their operations carried on in the public streets.

Section 307. Shut off Electric Current.

The Fire Chief in case of fire if in his opinion necessary, and the City Electrician whenever in his opinion the public safety so requires, shall have authority to direct any person using or operating any wires strung anywhere in the City for the purposes of carrying electric current, to shut off the electric current from such wires as he knows or believes are dangerous to life or property for such a period of time as he may deem necessary. Any such person who shall refuse to shut off such current in accordance with such order shall be liable to a penalty of \$50 for each and every hour during which such order shall be disregarded. It shall be the duty of all power companies to post a rule in their power houses and elsewhere as they deem necessary to insure instruction of their employees of this section and their compliance therewith.

Section 308. Penalty.

Any person violating the provisions of this ordinance, except as otherwise provided, shall be subject to a fine or penalty of not exceeding \$20 for each offense, to be recovered by complaint before the Auburn Municipal Court, for the use of the City.

ZONING ORDINANCE FOR THE

CITY OF AUBURN

TITLE: An Ordinance Regulating and Restricting the Location, Construction and Use of Buildings in the City of Auburn and for said Purpose Dividing the City into Zones.

Be it ordained by the City Council of the City of Auburn as follows:

Section 101. ESTABLISHMENT OF ZONES

Section 101.1. In order to restrict the location of buildings to be used for particular industries, trades, manufacturing, commercial and other purposes, to restrict the location of certain kinds of dwelling houses and tenement houses and to regulate the construction and use of buildings for the above purposes, the City of Auburn is hereby divided into the following classes of zones:

Unrestricted zones,
Industrial zones,
General Business zones,
Apartment zones,
General Residence zones, and
Single Residence zones,

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which are hereby established as shown upon the Zoning Map dated 1949 and filed in the office of the City Clerk.

101.2. In interpreting and applying the provisions of this ordinance they shall be held to be minimum requirements for the promotion of health, safety, convenience and welfare of the inhabitants, for reducing the danger from fire and for improving the City of Auburn.

101.3. No building shall be erected, altered or used and no premise shall be used except as permitted in the zone in which they are located; nor shall any existing building or premise be put to a use substantially different from its use at the time of the adoption of this ordinance except in a zone wherein such new use is permitted. (See however, Section 8).

101.4. No lot shall be so reduced that the yards, courts or other open spaces shall be smaller than prescribed by this Ordinance. No yard, court or other open space shall at any time be counted as required open space for more than one building.

101.5. Unless otherwise specifically provided, words and terms used herein shall be construed as defined or used in the Building Code of the City of Auburn.

101.6. Before the erection and construction or alteration of any building or part of any building structure, or wall, or any platform, staging or flooring to be used for standing or seating purposes, and before changing the use of and /or occupancy in any way, manner or nature, of any building or part of any building structure, premises or part of any structure or premises, and before the Construction or alteration of the wiring of any building, structure or premises in commenced, the owner or lessee or agent in connection with the proposed erection, alteration or change of use and / or occupancy shall submit to the Building Inspector a detailed statement of the specifications; a full and complete copy of the plans of such proposed building, premises structure and changes in the use and / or occupation as the said Building Inspector may require; all of which shall be accompanied with a statement in writing giving the full name and residence, street and number, or the owner or of each of the owners of said building or proposed building structure or proposed structure, change of use and / or occupancy or proposed change of use and / or occupancy in any way, nature or manner, premises wall, platform or flooring or if a corporation, the name and business address and names and residences of the president and secretary or treasurer thereof and a copy of the plans shall be kept on file in the office of the Building Inspector.

101.7. And the erection, construction, alterations, or change of use and/or occupancy in any way, nature, or manner of any building, structure, premises wall, platform, staging or flooring or any part or parts thereof, shall not be commenced or proceeded with until said statement or plans shall have been so filed, and approved by the Building Inspector and a permit granted by said Building Inspector.

CITY OF AUBURN, MAINE
102. In an unrestricted zone--

102.1. Use: Buildings or premises may be used for any purpose not prohibited by law, ordinance or regulation.

102.2. Height: No building shall exceed one hundred feet in height. No dwelling house, tenement house or hotel shall exceed forty feet or three stories in height excepting as is otherwise provided in the Building Code.

Section 103. In an industrial zone--

103.1. Use: No building shall be erected, altered or used and no premises shall be used for any of the following specified trades; industries or uses;

(1) Ammonia, bleaching powder or chlorine manufacture or refining;

(2) Asphalt manufacture or refining;

(3) Blast furnace;

(4) Cement, gypsum, lime or plaster of Paris manufacture;

(5) Coke manufacture;

(6) Creosote manufacture;

(7) Dextrin, glucose or starch manufacture;

(8) Distillation of bones, coal or wood or manufacture of any of their by-products.

(9) Explosives or fire works manufacture, or storage in excess of five hundred pounds;

(10) Fertilizer manufacture;

(11) Gas (fuel or illuminating) manufacture in excess of one thousand cubic feet per day or storage in excess of ten thousand cubic feet;

(12) Gelatin, glue or size manufacture;

(13) Hair manufacture;

(14) Hydrochloric, nitric, picric, sulphuric or sulphurous acid manufacture;

(15) Incineration, cremation or reduction of dead animals, garbage, offal or refuse unless accumulated and consumed on the same premises without the omission of odor;

(16) Lamp black manufacture;

(17) Linoleum or oilcloth manufacture;

(18) Metal or ore reduction or smelting;

- (19) Petroleum or other inflammable liquids; production or refining;
- (20) Pyroxylin manufacture, manufacture of articles thereof, or storage in excess of five hundred pounds unless in a vault approved by the Building Inspector;
- (21) Rubber manufacture, or treatment involving offensive odor;
- (22) Slaughtering except as permitted by the Health Officer;
- (23) Stock-yards;
- (24) Tar distillation or manufacture;
- (25) Turpentine or varnish manufacture;
- (26) Any other trade, industry or use that is injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause, but not including places of amusement;

Provided, however, that a building or use otherwise excluded but distinctly incidental and essential to a use of a building or plant with a series of buildings permitted in an industrial zone may be erected, altered and used if not more than ten per cent of the total floor area of the building or plant is to be so occupied, if not more than ten per cent of all the employees are to be engaged therein, of it is not located within fifty feet of any street line unless such line faces or adjoins property in an unrestricted zone, and if it is not injurious or detrimental to the neighborhood, and provided further that any building used for one of the above excluded uses at the time this ordinance goes into effect may be enlarged to an extent not exceeding fifty per-cent of its volume for the same use or one not more objectionable or detrimental to the neighborhood.

103.2. Height: Buildings shall conform to the height regulations in unrestricted zones.

Section 104. In a General Business Zone--

104.1. Use: No building shall be erected, altered or used and no premises shall be used for any use prohibited in an Industrial Zone or for any use injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause, but not including places of amusement.

104.2. Height: No building shall exceed one hundred and fifty-five feet in height; provided that a part of a building not exceeding in area one-quarter that of the building at a height of one hundred and twenty-five feet may exceed such limit by three feet for every foot that the maximum height of the remainder of the building is less than one hundred and fifty-five feet, and provided further that no part of a building shall exceed in height twice the horizontal distance from the face of such part to the line of the street on the opposite side. Within one hundred feet of the intersection of two streets the height on

the narrower street need not be less than that hereby permitted on the wider street. Where not more than one hundred feet of street frontage would otherwise be subjected to a height limit lower than that permitted immediately beyond both ends of such frontage the height limit on such frontage shall be equal to the lesser of such greater limits excepting as is otherwise provided in the Building Code.

Section 105. In an Apartment House Zone.

105.1. Use: No building shall be erected, altered or used, and no premises shall be used for any other than one of more of the following uses, and any use injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke vibration or noise is prohibited.

- (1) Tenement house of any use permitted in a general residence Zone;
- (2) Hotel, provided it conforms to all the requirements of this ordinance and of the building code for a tenement house;
- (3) Club, except clubs the chief activity of which is a service customarily carried on as a business;
- (4) Church;
- (5) Educational use;
- (6) Hospital or sanitarium;
- (7) Municipal recreational use;
- (8) Telephone exchange office;
- (9) Accessory use customarily incident to any of the above uses. The term "accessory use" in this and the next two sections shall not include
 - (a) Any use injurious or offensive to the neighborhood;
 - (b) Any use not on the same lot with the building to which it is accessory.
 - (c) Garage space for more than two automobiles or for more than one commercial automobile provided that on a lot with a building of three or more apartments, garage space for one additional car may be erected for each additional apartment or plot except as otherwise provided in the Building Code.
 - (d) Any use (except one in the same building to which the use is accessory) located closer to a street line than any existing dwelling house on an adjoining lot; or located closer than three feet to any lot line if the proposed use is less than fifty feet from the nearest street line; or located closer to the nearest street line than fifteen feet in an Apartment House Zone, twenty feet in a Single Residence Zone, the distance to be determined by the more restricted zone in which the proposed use of the nearest adjoining lot is located.

(e) Signs except those pertaining to the lease, sale or use of a lot or building on which placed, and not exceeding a total area of eight square feet; on a lot occupied by a dwelling house or tenement house there shall not be more than one sign bearing the name or occupation of an occupant for each family house and no such sign shall exceed two square feet in area.

105.2. Rear Yards;

There shall be behind every building a rear yard having a minimum depth of twelve feet or twenty per cent of the depth of the lot whichever is the less.

105.3. Side Yards;

Where side yards are provided they shall have a minimum width of five feet, which shall be increased one foot for each additional story of the building above three stories and shall be further increased six inches for every ten feet or fraction thereof that the length of the yard exceeds fifty feet.

105.4. Front Yards:

There shall be in front of every building a front yard having a minimum depth of five feet, provided that no front yard need be deeper than the average of the depths of front yards on the lots next thereto on either side, a vacant lot or a lot occupied by a building with a front yard more than five feet depth being considered as having a front yard five feet deep.

105.5. Corner Clearance.

Between the lines of intersection streets and a line joining points on such lines ten feet distant from their point of intersection or, in the case of a round corner, the point of intersection of their tangents, no building may be erected above a height three and one-half feet above the plane through their curb grades.

105.6. Height: No building shall exceed sixty-five feet or five stories in height unless it sets back from each street and lot from each street and lot line ten feet in addition to the above requirements plus one foot for each foot of excess height. No building shall exceed eighty feet or six stories in height excepting as is otherwise provided in the Building Code.

105.7. Building Area.

No building shall occupy more than seventy per cent of its lot provided, that on a corner lot an additional ten per cent may be occupied and providing this paragraph does not conflict with any section of this Ordinance or the Building Code.

Section 106. In a General Residence Zone.

106.1. Use: No building shall be erected, altered or used, except for one or more of the following uses;

(1) Single-family or two family dwelling houses, or any use permitted in a single residence zone;

- (2) Church or cemetery;
- (3) Club, except clubs the chief activity of which is a service customarily carried on as a business and club with more than five sleeping rooms;
- (4) Educational use;
- (5) Farm, garden, nursery, or greenhouse;
- (6) Hospital, sanitarium or institution;
- (7) Municipal recreational uses;
- (8) Aviation, provided it will not be seriously injurious or detrimental to the neighborhood;
- (9) Accessory use customarily incident to any of the above uses;

106.2. Rear Yards.

There shall be behind every building a rear yard having a minimum depth of twenty feet or twenty per cent of the depth of twenty feet or twenty per cent of the depth of the lot, whichever is the less.

106.3. Side Yards.

There shall be on each side of each building or pair of semi-detached buildings a side yard having a minimum width of seven feet, provided that the width of one side yard may be reduced one foot for every foot that the other is increased in width but no such yard shall be less than five feet wide, and provided further that on no lot held under separate and distinct ownership from adjacent lots and of record at the time it is placed in a general residence zone shall the buildable width be reduced by this requirement to less than twenty-four feet.

106.4. Front Yards.

There shall be in front of every building a front yard having a minimum depth of fifteen feet, provided that no front yard need be deeper than the average of the depths of front yards on the lots next thereto on either side, a vacant lot or a lot occupied by a building with a front yard more than fifteen feet deep being considered as having a front yard fifteen feet deep; and provided further than on a lot held under separate and distinct ownership from adjacent lots and of record and less than one hundred feet deep at the time it is placed in a general residence zone no front yard need be deeper than fifteen per cent or the depth of the lot.

106.5. Corner Clearance.

Between the lines of intersecting streets and a line joining points on such lines fifteen feet distant from their point of intersection of their tangents, no building may be erected above the height three and one-half feet above the plane through their curb grades.

106.6. Height.

No building shall exceed thirty-five feet or two and one-half stories in height unless it sets back from each street and lot line ten feet in addition to the above requirements plus one foot for each foot of excess height. No semi-detached or two-family dwelling house shall exceed thirty-five feet or two and one-half stories in height, provided that any dwelling house existing at the time of the adoption of this ordinance may be altered to accommodate not more than two families excepting as is otherwise provided in the Building Code.

106.7. Building Area.

No dwelling house shall occupy more than forty per cent of its lot and no building other than a dwelling house shall occupy more than sixty per cent of its lot, provided that on a corner lot an additional area of four hundred square feet may be occupied. (For accessory buildings see Section 11, Par. e)

106.8. Area of lot per Family.

No dwelling house shall be erected or altered to accommodate or make provision for more than one family for each two thousand two hundred and fifty square feet of the area of the lot, provided that a single-family dwelling house may be erected on any lot of record at the time this ordinance is adopted.

Section 107. In a Single Residence Zone.

107.1. Use: No building shall be erected, altered or used or no premises shall be used for any other than one or more of the following uses, and any use injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, smoke, dust, vibration or noise is prohibited.

- (1) Single-family detached dwelling house;
- (2) Church;
- (3) Club, except clubs the activity of which is a service customarily carried on as a business and clubs with more than five sleeping rooms;
- (4) Educational use;
- (5) Farm;
- (6) Municipal recreational use;
- (7) Accessory use customarily incident to any of the above uses.

107.2. Rear Yards;

There shall be behind every building a rear yard having a minimum depth of twenty-five feet or twenty-five per cent of the depth of the lot, whichever is the less.

107.3. Side Yards.

There shall be on each side of each building a side yard having a minimum width of eight feet, provided that the width of one side yard may be reduced one foot for each foot that the other is increased in width but not such yard shall be less than five feet wide, and provided further than on no lot held under separate and distinct ownership from adjacent lots and of record at the time it is placed in a single residence zone shall the buildable width be reduced by this requirement to less than twenty-four feet.

107.4. Front Yards.

There shall be in front of every building a front yard having a minimum depth of twenty feet, provided that no front yard need be deeper than the average of the depths of front yards on the lots next thereto on either side, a vacant lot or a lot occupied by a building with a front yard more than twenty feet deep being considered as having a front yard twenty feet deep, and provided further that on a lot held under separate and distinct ownership from adjacent lots and of record and less than one hundred feet deep at the time it is placed in a single residence zone no front yard need be deeper than twenty per cent of the depth of the lot.

107.5. Corner Clearance:

Between the lines of intersecting streets and a line adjoining points on such lines twenty feet distant from their point of intersection, or, in the case of a rounded corner, the point of intersection of their tangents no building may be erected above a height three and one-half feet above the plane through their curb grades.

107.6. Height:

No building shall exceed thirty-five feet or two and one-half stories in height unless it sets back for each street and lot line ten feet in addition to the above requirements plus one foot for each foot of excess height. No building shall exceed fifty-five feet or four stories in height excepting as in otherwise provided the Building Code.

107.7. Building Area.

No dwelling house shall occupy more than thirty-five per cent of its lot and no building other than a dwelling house shall occupy more than fifty per cent of its lot, provided that on a corner lot an additional area of four hundred square feet may be occupied. (For accessory buildings see Section 11, Par, e)

107.8. Area of Lot per Family.

No dwelling house shall be erected on a lot containing less than four thousand five hundred square feet unless such lot is of record at the time it is placed in a single residence zone.

Section 108. Non-Conforming Uses.

108.1. Any lawful use of a building, premises, or part thereof existing at the time of the adoption of this ordinance may be

continued, although such use does not conform with the above provisions hereof. In the case of an existing building or part thereof designed and intended for a non-conforming use, such use in a part thereof may be extended throughout the building or part thereof so designed and intended or changed to any use permitted in a zone where such non-conforming use would be permitted and not more objectionable or detrimental to the neighborhood, provided no structural alterations are hereafter made therein, except those required by law, ordinance or regulation. Any use of premises injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise is prohibited.

108.2. A building of non-conforming use may be enlarged or altered or additional buildings may be erected on the same or an adjacent parcel of land in the same single or joint ownership of record at the time it is placed in a zone for an extension of such use, provided that the aggregate volume of such additions does not exceed twenty per cent of the volume of the existing building, provided the aggregate cost of such additions and alterations does not exceed fifty per cent of the fair value of the building, and provided such addition or alteration will not substantially increase and objectionable or detrimental effect of the building or use on the neighborhood.

108.3. Nothing herein shall prevent the issuance of a permit and continued use of a building which has been damaged by fire, explosion, flood, riot, act of the public enemy or accident of any kind, provided that in case of damage of a non-conforming building or building of non-conforming use to an extent that the estimated cost of such restoration exceeds three-quarters of its fair valuation immediately prior to such damage the Board of Appeal so authorizes.

108.4. Nothing herein shall prevent the issuance of a permit for the erection and use of a non-conforming temporary building incidental to and reasonably required for the development of a neighborhood and not seriously injurious or detrimental to it, such permit to be issued for an initial period of not more than two years, and only upon application accompanied by a bond and bill of sale to the City effective in case the building is not removed prior to the expiration of the permit. Permits may be renewed under like conditions for successive periods of not more than one year each.

108.5. Nothing herein shall prevent the restoration of a wall declared unsafe by the Inspector of Buildings not the erection of iron fire escapes on the front or rear of any building existing at the time this ordinance is adopted.

108.6. The Board of Appeals may permit a garage, filling station, stable or commercial enterprise otherwise excluded in accordance with the provision of subparagraph 2 of paragraph (c) under section 11 and under the heading "Enforcement".

Section 109. Bulk Regulations and Exceptions.

The foregoing requirements shall be subject to the following exceptions and regulations:

- 109.1. No part of a required yard or court shall be higher in level above the floor of the first story than one foot for each two feet of distance from the building, except as provided herein for buildings of accessory use and garages, and provided that a building of accessory use or garage in any zone and for a building other than a dwelling house or tenement house and not in a single or general residence or apartment house zone, no yard, except the yard on the street frontage, is required by this Ordinance for the first story.
- 109.2. Where a lot containing ten thousand square feet or less is completely surrounded by streets or alleys, the building area may be increased twenty per cent.
- 109.3. The limitation of building area herein prescribed shall apply in a single or general residence or apartment house zone at a level not more than two feet above the second story floor, and not more than twenty feet above the mean curb grade in any case.
- 109.4. A front yard shall extend unoccupied for the full width of the lot between the extreme front line of the building and the front line, except that it may be occupied by a one-story entrance porch not enclosed with glass and with a roof area not exceeding fifty square feet.
- 109.5. On a lot occupied by a dwelling house or a tenement house a one-story building of accessory use thereto and not more than twelve feet high may be located in and occupy not more than thirty percent of the rear yard of such dwelling or tenement house, provided that such a building of accessory use may be built as close as may be desired to any dwelling house, but shall never be located with its outside wall nearer than five feet to any part of a tenement house. Garages of accessory use of dwelling house and attached to or less than five feet from the same, or portions of dwelling houses for such garage use only, and in either case not more than twelve feet in height, shall be considered encroachments upon rear and side yards, and shall be permitted in required rear yards not to exceed thirty per cent of the area of the required rear yard, and shall be permitted in the rear twenty percent of length of the required side yard. The area occupied by such a building of accessory use or garage shall be included as occupied area in computing the percentage of lot occupancy.
- 109.6. Chimneys, elevators, tanks, spires and towers not used for human occupation may extend above the height of limitations herein fixed, and parapet walls may so extend not more than five feet.
- 109.7. Where any business zone abuts upon a residential or apartment house zone in such a manner that the dividing lines between the zone are 100 feet or less from the main business street of such business zone, no building of non-conforming use in such residential or apartment house zone shall be built nor such existing building altered so as to have its front facing upon any other street than said main business street or as to have any entrance doors or any windows other than those for light and air only more than 30 feet from said main business street.
- 109.8. Any open porch, on the passage of this ordinance, existing with a roof over the same and encroaching upon any yard required by this Ordinance, may be enclosed if the major portion of the enclosure is of glass.

109.9. On a corner lot in any zone, a dwelling house may face either side, and the front yard shall be required upon the street on which the house is to be numbered. In case a dwelling house has its front yard upon the long side of the lot, the rear yard may be reduced to a minimum depth of five feet, provided the aggregate of the widths of both side yards and depths of front and rear yards is not less than the similar aggregate of required dimensions of all yards required if the front yard were faced on the short side of the lot.

Section 110. Boundries of Zones.

110.1. Unless otherwise shown, the zone boundary lines are the the center lines of streets, alleys or railroad rights-of-ways or such lines extended. Unless otherwise shown, lines within blocks less than two hundred feet wide are median lines between their sides and lines within blocks two hundred feet or more wide are one hundred feet distant from the less restricted side of the block.

110.2. Where a zone boundary line divided a lot in a single or joint ownership or record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion, provided the lot has frontage on a street in the less restricted zone.

Section 111. Enforcement.

111.1. It shall be the duty of the Building Inspector to enforce the provisions of this ordinance in manner and form, and with the same powers practiced or provided under the Building Code of the City of Auburn. No permit shall be issued for the construction, alteration or moving of any building or part thereof unless the plans and intended use indicate that the building is to conform in all respects to the provisions of this ordinance.

111.2. It shall be unlawful to use or permit the use of any building or part thereof hereafter erected or altered wholly or partly in its use or structure, or the yards courts, or other open spaces of which are in any way reduced, until the Building Inspector shall have certified on the building permit, or in case none is issued shall have issued a certificate of occupancy, specifying the use to which the building, upon being sufficiently completed to comply with the provisions and regulations thereto, may be put.

111.3. Appeal shall lie from the decision of the Inspector of buildings, to the Board of Appeal, and from said Board of Appeals to the Superior Court according to the provisions of Sec. 88A of Chapter 80 of the Revised Statutes as enacted by Sec. 4 of Chapter 24 of the Public Laws of 1945. The Board of Appeals, by unanimous vote of its members present, may reverse the decision of the Inspector of Buildings; may permit exceptions to or variations from the regulations in the classes of cases or situations, and in accordance with the principles, conditions and procedure set forth in this Ordinance; and may permit exceptions in specific cases so as to grant reasonable use of property where necessary to avoid confiscation and without substantially departing from the intent and purpose of this Ordinance, subject always to the

rule that said Board shall give due consideration to promoting public health, safety, convenience and welfare, encouraging the most appropriate use of land and considering property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case. Petition for appeals shall be filed with the City Clerk of the City of Auburn.

(2) Before action is taken by the Board of Appeals upon any appeal from the decision of the Inspector of Buildings, and before action is taken by the Board of Appeals upon any petition for a garage, filling station, trucking terminal or stable, or other commercial enterprise otherwise excluded, a public hearing shall be held on each such question. Notices of such public hearings, stating subject, time and place of hearing, shall be mailed by the City Clerk at least ten days before the date of each hearing to the Building Inspector and the owners of property within five hundred feet of all the frontage on both sides of the street and all abutting owners of the lot involved in the appeal, and for the purpose of this paragraph, the owners of property shall be considered to be the parties listed by the Board of Assessors as those against whom taxes are assessed. The appellant or petitioner in such a case shall pay a fee of five dollars. Failure of any property owners to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action by the Board of Appeals.

(3) The right to any variance of the terms of this Ordinance secured by vote of the Board of Appeals, to change the decision of the Inspector of Buildings in a specific case shall expire if the work or change involving such variance is not commenced within six months of the date on which the change is voted, and if the work or change is not substantially completed within one year of the date on which such change is voted. Provided however, the Board may extend the time thereof.

(4) Any person or persons, firm, or corporation being the owner or tenant of, or having the control or use of any building, structure or premises, or part thereof, who violates any of the provisions of this Ordinance, or fails to conform to any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than twenty dollars. Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense.

111.4. Upon any well founded information in writing from any person aggrieved that the provisions of this ordinance are being violated or upon his own initiative, the Building Inspector shall inform the City Solicitor, who shall take immediate steps to enforce the provisions of this ordinance by applying for an injunction in the Supreme Judicial Court, or by any other appropriate legal action.

111.5. The penalty for violation of any of the provisions of this ordinance shall be set forth in the aforesaid Building Code for violations thereof.

Section 112. Application and Validity.

112.1. This ordinance shall not interfere with, abrogate, annul or repeal any ordinance, rule, regulation or permit previously or hereafter enacted adopted or issued, pursuant to law, relating to the location, construction or use of buildings, provided however that, unless specifically excepted, where this ordinance imposes greater restrictions, its provisions shall control.

112.2. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof.

Section 113. Board of Appeals.

113.1. A Board of Appeals be and is hereby established. The Board shall consist of five members, and not more than two associate members as provided by Section 88 of Chapter 80 of Revised Statutes, who shall be residents of the City of Auburn, and not a member or employee of the City Government. They shall be appointed by the Council. The term of office of the members of the Board shall be for five years, excepting that the five members first appointed shall serve respectively for terms of one year, two years, three years, four years and five years each. The a member shall be appointed for terms of five years each. The Board of Appeals shall, at this first meeting and annually thereafter, designate one member of said Board as chairman. The associate members shall be appointed annually. The first named associate member, if able to act, otherwise the second named, shall act on said Board in place of any member who may be unable to add due to interest, absence from the State or physical incapacity.

113.2. A vacancy shall be filled for the unexpired term by the Council within thirty days from the date the vacancy occurred.

113.3. The Board of Appeals may from time to time, adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this section.

113.4. The Board of Appeals shall keep minutes of its proceedings, recording the vote of each member upon each question and indicating the absence, or failure to vote of any member, and the final disposition of appeals shall be recorded by resolution indicating the reasons of the board therefore, all of which shall be a public record. All meetings of the Board shall be open to the public. Four members shall constitute a quorum of said Board for the purpose of conducting its business.

CHAPTER 30

Repealing Ordinance

All ordinances of the City of Auburn heretofore made and passed are hereby repealed.

The repeal of the ordinances hereby repealed does not revive any of the ordinances repealed by them.

CITY OF AUBURN, MAINE

The ordinances hereby repealed remain in force for the trial and punishment of all past violations of them and for the recovery of penalties and forfeitures already incurred and for the preservation of all rights and remedies existing by them and so far as they apply to any office, trust proceedings, right, contract or event already affected by them.

CHAPTER 31

Enacting Ordinance

All ordinances contained in the preceding pages from Chapter 1 to Chapter 29 inclusive shall be deemed and are hereby declared to be the ordinances of the City of Auburn and shall have the force thereof and shall take effect and be in force from and after the passage and approval of this ordinance in accordance with the provisions of the City Charter with reference thereto.

Presented by.....

Councilman From Ward.....

Action by City Council

Moved for passage by

Motion seconded by

1st Reading: January 9th, 1951

2nd Reading: January 15th, 1951

Motion for acceptance 2nd reading: Councilman Roberts: Seconded by Maguire

Moved for passage by Roberts

Motion seconded by Maguire

Vote Yeas: Five: Nays: None

Date: January 15th, 1951

Attest Leon H. Cole City Clerk

Date: January 16th, 1951

In accordance with the Order of the City Council I hereby certify that I have this day published an Ordinance revising and arranging the Ordinances of the City of Auburn, given final passage at a meeting of the City Council on January 15th, 1951, A. D., as required by Article II, Chap. VII, of the City Charter, by posting a copy of the same at the City Building and at the Androscoggin County Court House, being two public places in the City of Auburn.

Attest _____ City Clerk