

**BRUNSWICK TOWN COUNCIL**  
**Agenda**  
**November 16, 2015**  
**7:00 P.M. – Regular Meeting**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

Roll Call of Members

Acknowledgement of Meeting Notice

Pledge of Allegiance

Adjustments to Agenda

**CONSENT AGENDA**

- a) Approval of the Minutes of November 2, 2015
- b) Approval of Brunswick Lodge of Elks 2043 renewal of games of chance and request for card games
- c) Permission to apply for, and, if received, expend Maine Bureau of Highway Safety Grant to conduct OUI enforcement details in 2016

Public Comments

Correspondence

Committee Reports

**MANAGER'S REPORT**

- a) Financial Update
- b) Update on Zoning Ordinance Rewrite

**PUBLIC HEARING**

113. The Town Council will hear public comments regarding amendments to the Harbor Ordinance concerning setting mooring fees in the amount of \$50 for residents, commercial, and public field moorings, and \$100 for non-resident moorings, and will take any appropriate action. (Councilor Walker and Councilor S. Wilson)

**HEARING/ACTION**

114. The Town Council will hear public comments regarding amendments to the Code of Ordinances that would establish a “Master Schedule of Revenues, Charges, Fees and Fines,” and will take any appropriate action. (Manager)

**HEARING/ACTION**

**NEW BUSINESS**

115. The Town Council will declare the official results of the November 3, 2015 Sewer District Election, and will take any appropriate action. (Manager)

**ACTION**

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE  
COMMUNICATION SHOULD CONTACT  
THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521)**

**Brunswick Town Council**  
**Agenda**  
**November 16, 2015**  
**Council Notes and Suggested Motions**

**CONSENT AGENDA**

- a) Approval of the Minutes of November 2, 2015: A copy of the minutes is included in your packet.
- b) Approval of Brunswick Lodge of Elks 2043 renewal of games of chance and request for card games: This item is the semi-annual approval of games of chance for the Elks. They are also requesting approval of a one card license, as the state only issues this license annually. Copies of their applications are included in your packet.
- c) Permission to apply for, and, if received, expend Maine Bureau of Highway Safety Grant to conduct OUI enforcement details in 2016: This item allows the Police Department to apply for and expend a grant from the Bureau of Highway Safety regarding OUI enforcement details. They will be conducted in 2016 and will consist of 24 roving enforcement details and one stationary roadblock. The amount requested is \$5,500 and requires no Town match.

*The Council has the option to remove any item from the Consent Agenda to be considered separately.*

Suggested motion:

Motion to approve the Consent Agenda.

**COUNCIL COMMITTEE REPORTS**

Councilors with information on the Committees they are involved with will share information with the Council and public.

**MANAGER'S REPORT**

- a) Financial Update: Manager Eldridge will update the Council and the public on the Town's financial picture over the past month. Copies of the financial reports are included in your packet.
- b) Update on Zoning Ordinance Rewrite: Anna Breinich will update the Council and the public on this process and what the next steps will be.

**PUBLIC HEARING**

- 113. This item, sponsored by Councilor S. Wilson and Councilor Walker, is for the Council to hear public comments on amendments to the Harbor Ordinance regarding setting mooring fees in the amount of \$50 for residents, commercial and public fields, and \$100 for non-residents. The proposed schedule sets the fee for those moorings belonging to residents, whether located near their property or in either a commercial or public mooring field, at \$50 per year. Nonresident moorings are set at \$100 annually. In addition, there is a provision for someone who installs a helix mooring in an eel grass habitat to pay no fees for this mooring for five years. Copies of a memo from Manager Eldridge, surveys of other municipalities, and the proposed language are included in your packet

Option for the Council if they choose to vote this evening - suggested motion:

Motion to suspend the Council Rules to allow the Council to vote on this item at this meeting.

Suggested motion:

Motion to adopt amendments to the Harbor Ordinance concerning setting mooring fees in the amount of \$50 for residents, commercial, and public field moorings, and \$100 for non-resident moorings, and someone who installs a helix mooring in an eel grass habitat will pay no fees for this mooring for five years.

*If Item 114 is adopted, the mooring fees will be placed in the Master Schedule, and the language in the included draft will be changed as follows in Chapter 11 MARINE ACTIVITIES, STRUCTURES AND WAYS, Sec. 11-4 Moorings.*

(E) ~~Fees. The Rivers and Coastal Waters Commission will recommend mooring registration fees to be adopted by the Brunswick Town Council. Mooring registration fees may be amended from time to time. Mooring registration fee schedules will be available at the Town Clerk's Office and on the Town of Brunswick's website.~~ The annual mooring registration fees shall be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

114. This item is for the Council to hear public comments on amendments to the Code of Ordinances to establish a “Master Schedule of Revenues, Charges, Fees, and Fines.” For some time, staff has been working on amending the Municipal Code of Ordinances to remove these references from the body of each Code section they are mentioned in. Instead, those sections would reference a table that would be an appendix to the Municipal Code. Creating such a table would facilitate a more timely review of those revenues. This proposed schedule now includes state statute references for those fees set by state law. Copies of a memo from Manager Eldridge, along with the proposed schedule and affected sections of ordinances, are included in your packet

Option for the Council if they choose to vote this evening - suggested motion:

Motion to suspend the Council Rules to allow the Council to vote on this item at this meeting.

Suggested motion:

Motion to adopt amendments to the Code of Ordinances to establish a “Master Schedule of Revenues, Charges, Fees and Fines.”

*(If the Mooring fees are approved, they will be included in this Schedule, as follows:*

<b>Chapter 11 - Marine Activities, Structures and Ways</b>			
Sec. 11-4	??	Resident mooring	\$50
		Non-resident mooring	\$100
		Mooring in a commercial field	\$50
		Moorings in a public mooring field	\$50
		Helix mooring (replacement of regular)	Free for 5 years
		Late registration (after deadline)	double fee

## **NEW BUSINESS**

115. This item is for the Council to declare the official results of the November 3, 2015 Sewer District Election. This is a requirement of Special Law 243 as passed by the State Legislature, allowing the District to place the question on the ballot, that required the Council to declare the results prior to the Town Clerk filing with the Secretary of State. A copy of the law and returns of votes cast are included in your packet.

*Suggested Motion:*

Motion to declare the official results of the November 3, 2015 Sewer District Election as follows:

Do you favor changing the debt limit of the Brunswick Sewer District from \$20,000,000 to \$25,000,000? Yes: 1799 No: 635 Blanks: 52

*Suggested Motion:*

Motion to adjourn the meeting.

# CONSENT AGENDA - A BACK UP MATERIALS

**Draft**  
**BRUNSWICK TOWN COUNCIL**  
**Minutes**  
**November 2, 2015**  
**Executive Session – 6:30 P.M.**  
**Regular Meeting - 7:00 P.M.**  
**Council Chambers**  
**Town Hall**  
**85 Union Street**

**Councilors Present:** W. David Watson, Stephen S. Walker, Suzan Wilson, John M. Perreault, Daniel E. Harris, Jane F. Millett, Sarah E. Brayman, and Katherine E. Wilson.

**Councilors Absent:** Councilor John Richardson, Jr.

**Town Staff Present:** John S. Eldridge, III, Town Manager; Debra Blum, Administrative Assistant; Steve Langsdorf, Town Attorney; Dan Devereaux, Marine Resources Officer/Harbor Master; Julie Henze, Finance Director; Linda Smith, Business Development Manager; Terry Goan, Police Officer; and TV video crew

Chair Brayman called the meeting to order, asked the Clerk for roll call and acknowledged that the meeting was properly noticed.

**Executive Session: Disposition of real property [1 M.R.S.A. §405(6)(C)]**

**Councilor Perreault moved, Councilor K. Wilson seconded, to go into executive session regarding disposition of real property per 1 M.R.S.A. §405(6)(C). The motion carried with eight (8) yeas.**

**MEETING RESUMES**

Chair Brayman resumed the meeting and led the Pledge of Allegiance.

**Adjustments to Agenda:**

- To add an executive session at the end of the meeting regarding acquisition of real property per 1 M.R.S.A. §405(6)(C), union negotiations per 1 M.R.S.A. §405(6)(D), and consultation with legal counsel per 1 M.R.S.A. §405(6)(E)

**CONSENT AGENDA** *(This item was discussed at 7:02 p.m.)*

- a) **Approval of the Minutes of October 19, 2015**

**Councilor Perreault moved, Councilor Millett seconded, to approve the Consent Agenda. The motion carried with eight (8) yeas.**

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**Public Comments** (*This item was discussed at 7:03 p.m.*)

**Richard Fisco**, 2 Lincoln Street, commented on the proposed boiler system for the school department, some information he had received from other sources, and life expectancy of boilers.

**Susan Weems** and **Cathy Fogler** of Brunswick Public Art informed the Council and public about the group's latest project on Maine Street as well as upcoming projects.

**Correspondence** (*This item was discussed at 7:12 p.m.*)

Councilor Perreault commented about the upcoming BHS football playoff game and the field lights at Brunswick Landing.

Councilor K. Wilson mentioned a conversation with a constituent about the proposed multi-unit inspection fees.

Chair Brayman announced that the town received a letter from the Maine Historic Preservation Commission stating that a portion of the Federal Street area had been approved for nomination to the National Register of Historic Places.

**Committee Reports** (*This item was discussed at 7:15 p.m.*)

Reports were given from the following committees: Recycling & Sustainability Committee, Appointment Committee, Finance Committee, and the Cumberland County Finance Committee.

**MANAGER'S REPORT:** (*This item was discussed at 7:24 p.m.*)

Manager Eldridge noted the passing of Charles "Johnny" Ring, a selectman in Brunswick from 1963-1967.

**a) Report from School Department regarding the school project**

Superintendent Perzanoski gave an update on the school project, the necessity and scope of repairs, cost estimates, and information he has requested from the architect. Mr. Perzanoski, along with Mr. Ellis and Mr. Thompson of the School Board, and responded to questions from Councilor Millett and Councilor Perreault.

**b) Election reminder**

Manager Eldridge reminded people to vote on November 3, 2015, at Brunswick Junior High between 7:00 am until 8:00 pm, and Councilors Harris and S. Wilson urged residents to go out to the polls.

**PUBLIC HEARING**

**Town Council Minutes**

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- 108. The Town Council will hear public comments on amendments to the General Assistance Maximums, and will take any appropriate action. (Manager) (This item was discussed at 7:38 p.m.)**

Chair Brayman opened the public hearing.

Manager Eldridge spoke regarding this item.

There were no public comments.

Chair Brayman closed the public hearing.

Councilor Watson made a comment, to which Chair Brayman responded.

**Councilor Walker moved, Councilor Millett seconded, to suspend the Council Rules to allow the Council to vote tonight and to adopt amendments to the General Assistance Maximums. The motion carried with eight (8) yeas.**

*(A copy of the current and newly adopted Overall Maximum levels will be attached to the official minutes.)*

**NEW BUSINESS**

- 109. The Town Council will consider adopting a “Resolution Amending the 2015-16 Budget to Appropriate \$136,481 for the Purpose of Funding the Vehicle and Equipment Reserve Funds,” and will take any appropriate action. (Manager) (This item was discussed at 7:41 p.m.)**

Manager Eldridge gave a summary of the item to this point.

There was no public input and no Councilor discussion.

**Councilor Perreault moved, Councilor Watson seconded, to adopt a “Resolution Amending the 2015-16 Budget to Appropriate \$136,481 for the Purpose of Funding the Vehicle and Equipment Reserve Funds.” The motion carried with eight (8) yeas.**

*(A copy of the adopted resolution will be attached to the official minutes.)*

- 110. The Town Council will consider setting a public hearing for November 16, 2015, regarding amendments to the Harbor Ordinance concerning setting mooring fees in the amount of \$50 for residents, commercial, and public field moorings, and \$100 for non-resident moorings, and will take any appropriate action. (Councilor Walker and Councilor S. Wilson)**

Councilor Walker and Councilor S. Wilson introduced and explained this item. Manager Eldridge added information.

Councilor Perreault asked a question, which Councilor S. Wilson answered.

**Town Council Minutes**

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Councilor Millett commented and thanked the Rivers & Coastal Waters Commission for all of their work.

There were no public comments.

Chair Brayman stated she will be asking for more information at the public hearing, to which Manager Eldridge and Councilor Walker responded.

**Councilor Walker moved, Councilor S. Wilson seconded, to set a public hearing for November 16, 2015, regarding amendments to the Harbor Ordinance concerning setting mooring fees in the amount of \$50 for residents, commercial, and public field moorings, and \$100 for non-resident moorings. The motion carried with eight (8) yeas.**

111. **The Town Council will consider setting a public hearing for November 16, 2015, regarding amendments to the Code of Ordinances that would establish a Master Schedule of Revenues, Charges, Fees and Fines, and will take any appropriate action. (Manager) (This item was discussed at 7:55 p.m.)**

Manager Eldridge introduced this item.

Councilor S. Wilson asked questions, to which Manager Eldridge and Attorney Langsdorf answered.

Chair Brayman asked a question, to which Manager Eldridge answered.

There was no public comment on this item.

**Councilor Perreault moved, Councilor Watson seconded, to set a public hearing for November 16, 2015, regarding amendments to the Code of Ordinances that would establish a Master Schedule of Revenues, Charges, Fees and Fines. The motion carried with eight (8) yeas.**

112. **The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Appointments Committee) (This item was discussed at 8:00 p.m.)**

Councilor Millett made the following nominations:

- **Cable TV Committee** – Bernie Breitbart and Robert Broderick, reappointments
- **Downtown and Outer Pleasant Street Master Plan Implementation Committee** – Kathleen Stevens as new Pleasant Street Resident member, Debora King as Brunswick Downtown Association reappointment, and Toby Tarpinian as Citizen at Large, a reappointment from another position
- **Recreation Commission** – Sarah Seames, new appointment
- **Village Review Board** – Constance Lundquist, reappointment
- **Zoning Board of Appeals** – Steven Garrett, reappointment as a Full Member

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The Council supported these nominations unanimously.

**Executive Session:**

- **Acquisition of real property per [1 M.R.S.A. §405(6)(C)]**
- **Union negotiations per [1 M.R.S.A. §405(6)(D)]**
- **Consultation with legal counsel per [1 M.R.S.A. §405(6)(E)]**

**Chair Brayman moved, Councilor Millett seconded, to go into executive session for Acquisition of real property per 1 M.R.S.A. §405(6)(C), Union negotiations per 1 M.R.S.A. §405(6)(D), and Consultation with legal counsel per 1 M.R.S.A. §405(6)(E). The motion carried with eight (8) yeas.**

Councilor S. Wilson left the meeting prior to executive session.

**Councilor Watson moved, Councilor Harris seconded, to adjourn the meeting. The motion carried with seven (7) yeas.**

The meeting adjourned at 9:12 p.m.

**PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.**

*Debra L. Blum  
Administrative Assistant  
November 2, 2015*

November 16, 2015  
*Date of Approval*

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*Council Chair*

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# CONSENT AGENDA - B BACK UP MATERIALS



STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
MAINE STATE POLICE  
SPECIAL INVESTIGATIONS UNIT

164 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0164  
(207) 624-7210

Application for a License to Operate Beano/Bingo or a Game of Chance

\*\*The Special Investigations Unit must receive this application at least eight days before Beano or a Game of Chance may begin\*\*

1. For what license are you applying (please check one): **BEANO**  **OR** **GAME OF CHANCE**

2. Organization Name: BPOE 2043  
 Organization Number: 1219  
 Federal Tax ID # (EIN): 01-020240  
 Business Address: 179 Park Row Brunswick, Maine 04011  
 Mailing Address: same Phone: 207-7299572

IF YOU CHECKED GAMES OF CHANCE:  
 Name of Game: Sealed Tickets x2, Pot of Gold x2, Chicken shoot, Queen of Hearts, 1  
 Number of Games: Card/Cribbage for 1 year  
 Open to Public? Yes  No

3. Current Officers:

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
<u>Adam Bellmore<sup>ER</sup></u>	<u>24 Prospects</u>	<u>Topsham Me 04086</u>	<u>749-8299</u>	<u>3-31-16</u>
<u>Leading Knight - vacant</u>				
<u>Fred Mitchell</u>	<u>Russell St</u>	<u>Bath 04530</u>	<u>443-6144</u>	<u>3-31-16</u>
<u>Robert Thiboutot</u>	<u>43 Barrons Drive</u>	<u>Topsham Me 04086</u>	<u>729-4388</u>	<u>3-31-16</u>

4. Location where Beano/Bingo or Game of Chance is to be conducted:  
BPOE 2043

BUILDING	ADDRESS	CITY/ZIP

5. Person responsible for operation of Beano or Games of Chance:  
Sharon L. Belanger 729-8328 504-0979  
 NAME DAYTIME PHONE & EVENING PHONE  
 Name & Address where Licenses will be sent: BPOE 2043  
 E-Mail Address: \_\_\_\_\_

6. Circle the days of the week you expect to operate: Mon Tue Wed Thu Fri Sat Sun  
 What are the hours of operation? 11-8 Mon-Fri 9-8 Sat 11-8 Sun

7. For Tournaments and Beano Only:  
 What time do the doors open? \_\_\_\_\_ What time does the game start? \_\_\_\_\_

8. Dates to be licensed – Please specify weeks (Monday through Sunday) or full months. You may apply in advance for up to 6 months of licenses for Beano and 12 months for Games of Chance. See back of this form for rates.  
Jan - June 2016  
Card/Cribbage license - 1 year

**FOR OFFICE USE ONLY**  
 Check # \_\_\_\_\_  
 Amount \$ \_\_\_\_\_

9. Does the organization own all the equipment used in operating this amusement? Yes  No

If "NO", please explain the circumstances under which the equipment was acquired:

10. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine? Yes  No

If "YES" give the person's name, address, and date and place of conviction or date and location of pending charge:

11. If the Applicant is a Fair Association, attach a list of the names and home addresses of the persons operating or assisting in the licensed activity. Please write your organization name and number on the list.

APPLICANT SIGNATURE

12. The applicant agrees to obey the laws of the State of Maine and the United States and the rules and regulations governing Beano or Game of Chance promulgated by the Chief of the State Police. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: Shawn L Belanger Age 18 or older: Yes  No

Name: Shawn L Belanger Title: GOC Chairman Date: 11-5-15  
(Please print - must be duly authorized officer of this organization - title is required)

BLANKET LETTER

13. The following consent must be completed by the municipal officers of the city or town where the Beano/Bingo or Game of Chance will take place unless a separate "Blanket Letter of Approval" is filed with the Chief of the State Police.

- Check here if you have previously filed a "Blanket Letter of Approval" with us, which is still valid
- Check here if you have attached a "Blanket Letter of Approval".

CONSENT

The undersigned being municipal officers of the City/Town of \_\_\_\_\_ hereby certify that we consent to this application for a license to operate Beano/Bingo or a Game of Chance in accordance with the provisions of 17 M.R.S.A. Chapter 13-A (Beano) or Chapter 62 (Games of Chance) and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operating of Beano/Bingo or Games of Chance.

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Date: \_\_\_\_\_

FEEES

Beano/Bingo: \$5.00/Special Per Game License; \$12/Week; \$36/Month; \$400/Year

Game of Chance: \$15/Week; \$60/Month; \$700/Year Video Poker: \$15/Week or \$60/Month Card / Cribbage: \$30 Per Calendar Year

Tournament Game (up to 100 players): \$75.00/Per Tournament; \$200.00/Month (Two Tournaments per Month); \$1,500/Year (Two Tournaments per Month)

Make check payable to Treasurer, State of Maine

Return the signed and completed application to: Department of Public Safety  
Maine State Police  
Special Investigations Unit  
164 State House Station  
Augusta, ME 04333-0164



**STATE OF MAINE**  
**DEPARTMENT OF PUBLIC SAFETY**  
**MAINE STATE POLICE**  
**SPECIAL INVESTIGATIONS UNIT**  
 164 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0164  
 (207) 624-7210

**Application for a License to Operate Beano/Bingo or a Game of Chance**

**\*\*The Special Investigations Unit must receive this application at least eight days before Beano or a Game of Chance may begin\*\***

1. For what license are you applying (please check one): **BEANO**  **OR** **GAME OF CHANCE**

IF YOU CHECKED GAMES OF CHANCE:

2. Organization Name: BPOE 2043

Name of Game: Bingo

Organization Number: 1219

Number of Games: 1 Game per week

Federal Tax ID # (EIN): 01-020240

Open to Public? Yes  No

Business Address: 179 Park Row Brunswick Me 04011

Mailing Address: Same Phone: 729-9572

3. Current Officers:  
Adam Bellmore

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES

4. Location where Beano/Bingo or Game of Chance is to be conducted:

BPOE 2043

BUILDING	ADDRESS	CITY/ZIP

5. Person responsible for operation of Beano or Games of Chance:

Sharon L Belanger

7298328 504-0979

NAME DAYTIME PHONE & EVENING PHONE

Name & Address where Licenses will be sent: BPOE 2043

E-Mail Address: \_\_\_\_\_

6. Circle the days of the week you expect to operate: Mon Tue Wed Thu Fri Sat Sun

What are the hours of operation? 1 day to be determined  
Not Tuesday

7. For Tournaments and Beano Only:

What time do the doors open? 5 PM What time does the game start? 6 PM

8. Dates to be licensed – Please specify weeks (Monday through Sunday) or full months. You may apply in advance for up to 6 months of licenses for Beano and 12 months for Games of Chance. See back of this form for rates.

JAN - JUNE 2016

<b>FOR OFFICE USE ONLY</b>	
Check #	_____
Amount \$	_____

9. Does the organization own all the equipment used in operating this amusement? Yes  No

If "NO", please explain the circumstances under which the equipment was acquired:

Will rent bingo machine from Games, Inc

10. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine? Yes  No

If "YES" give the person's name, address, and date and place of conviction or date and location of pending charge:

11. If the Applicant is a Fair Association, attach a list of the names and home addresses of the persons operating or assisting in the licensed activity. Please write your organization name and number on the list.

-----**APPLICANT SIGNATURE**-----

12. The applicant agrees to obey the laws of the State of Maine and the United States and the rules and regulations governing Beano or Game of Chance promulgated by the Chief of the State Police. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: Sh L Belanger Age 18 or older: Yes  No

Name: Sherrin L Belanger Title: GOC Chairman Date: 11-5-15  
(Please print - must be duly authorized officer of this organization - title is required)

-----**BLANKET LETTER**-----

13. The following consent must be completed by the municipal officers of the city or town where the Beano/Bingo or Game of Chance will take place unless a separate "Blanket Letter of Approval" is filed with the Chief of the State Police.

- Check here if you have previously filed a "Blanket Letter of Approval" with us, which is still valid
- Check here if you have attached a "Blanket Letter of Approval".

-----**CONSENT**-----

The undersigned being municipal officers of the City/Town of \_\_\_\_\_ hereby certify that we consent to this application for a license to operate Beano/Bingo or a Game of Chance in accordance with the provisions of 17 M.R.S.A. Chapter 13-A (Beano) or Chapter 62 (Games of Chance) and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operating of Beano/Bingo or Games of Chance.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

-----**FEES**-----

Beano/Bingo: \$5.00/Special Per Game License; \$12/Week; \$36/Month; \$400/Year

Game of Chance: \$15/Week; \$60/Month; \$700/Year Video Poker: \$15/Week or \$60/Month Card / Cribbage: \$30 Per Calendar Year

Tournament Game (up to 100 players): \$75.00/Per Tournament; \$200.00/Month (Two Tournaments per Month); \$1,500/Year (Two Tournaments per Month)

**Make check payable to Treasurer, State of Maine**

Return the signed and completed application to: Department of Public Safety  
Maine State Police  
Special Investigations Unit  
164 State House Station  
Augusta, ME 04333-0164

**CONSENT AGENDA - C**  
**NO BACK UP MATERIALS**

# MANAGER'S REPORT - A BACK UP MATERIALS

FOR 2016 04

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/>							
00 Fill							
19000 General Fund Transfers Out	1,368,236	1,418,236	1,418,236.00	.00	.00	.00	100.0%
TOTAL Fill	1,368,236	1,418,236	1,418,236.00	.00	.00	.00	100.0%
<hr/>							
10 General Government							
11000 Administration	583,769	583,769	157,381.15	56,196.66	75.00	426,312.85	27.0%
11100 Finance Department	710,161	710,161	228,084.94	72,511.19	.00	482,076.06	32.1%
11150 Technology Services Dept	363,164	363,164	149,500.48	30,145.95	53,232.65	160,430.87	55.8%
11200 Municipal Officers	85,665	85,665	5,189.95	1,649.64	.00	80,475.05	6.1%
11210 Munic Bldg - 85 Union	214,863	214,863	54,661.55	18,720.78	17,517.93	142,683.52	33.6%
11220 Munic Bldg - 28 Federal	0	0	.00	-62.80	.00	.00	.0%
11230 Risk Management	479,057	479,057	169,361.61	39,455.11	78,332.50	231,362.89	51.7%
11240 Employee benefits	0	0	-82,732.31	-18,576.21	.00	82,732.31	100.0%
11250 Cable TV	61,298	61,298	17,700.52	5,375.36	702.36	42,895.12	30.0%
11300 Assessing	295,863	295,863	87,761.29	30,731.29	3,063.00	205,038.71	30.7%
11600 Town Clerk & Elections	363,719	363,719	110,036.83	38,176.84	407.88	253,274.29	30.4%
11900 Planning Department	480,995	480,995	136,208.50	49,858.43	57.82	344,728.68	28.3%
11950 Economic Development Dept	115,106	115,106	35,049.22	11,361.12	-1,620.00	81,676.78	29.0%
TOTAL General Government	3,753,660	3,753,660	1,068,203.73	335,543.36	151,769.14	2,533,687.13	32.5%
<hr/>							
20 Public Safety							
12100 Fire Department	3,154,491	3,154,491	1,001,827.82	351,297.58	3,268.62	2,149,394.56	31.9%
12150 Central Fire Station	59,158	59,158	9,308.67	2,552.93	1,595.91	48,253.42	18.4%
12160 Emerson Fire Station	49,328	49,328	21,769.33	12,256.37	2,212.92	25,345.75	48.6%
12200 Police Department	3,836,175	3,836,175	1,154,253.41	388,174.90	2,334.33	2,679,587.26	30.1%
12210 Police Special Detail	0	0	22,656.60	3,492.55	.00	-22,656.60	100.0%
12220 Emergency Services Dispatch	812,214	812,214	239,530.64	77,477.20	1,932.35	570,751.01	29.7%
12250 Police Station Building	101,431	101,431	27,027.76	7,835.67	517.26	73,885.98	27.2%
12310 Streetlights	211,000	211,000	66,639.30	18,114.70	.00	144,360.70	31.6%
12320 Traffic Signals	31,600	31,600	8,853.83	2,377.08	.00	22,746.17	28.0%
12330 Hydrants	465,000	465,000	116,257.59	112,056.64	.00	348,742.41	25.0%
12340 Civil Emergency Preparedness	2,000	2,000	480.00	.00	.00	1,520.00	24.0%
TOTAL Public Safety	8,722,397	8,722,397	2,668,604.95	975,635.62	11,861.39	6,041,930.66	30.7%

FOR 2016 04

30	Public Works	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<hr/>								
30	Public Works							
<hr/>								
13100	Public Works Administration	446,577	446,577	135,130.13	45,759.44	.00	311,446.87	30.3%
13110	PW General Maintenance	1,713,865	1,713,865	432,855.55	182,449.47	155,408.58	1,125,600.87	34.3%
13130	Refuse Collection	611,556	611,556	135,255.06	20,094.80	303,081.54	173,219.40	71.7%
13140	Recycling	298,631	298,631	47,737.86	258.00	239,276.14	11,617.00	96.1%
13150	PW Central Garage	724,112	724,112	190,778.54	48,602.88	43,772.36	489,561.10	32.4%
	TOTAL Public Works	3,794,741	3,794,741	941,757.14	297,164.59	741,538.62	2,111,445.24	44.4%
<hr/>								
40	Human Services							
<hr/>								
14100	General Assistance	169,994	169,994	51,102.84	13,772.57	216.76	118,674.40	30.2%
14120	Health & Social Services	12,766	12,766	19,082.88	704.63	.00	-6,316.88	149.5%
	TOTAL Human Services	182,760	182,760	70,185.72	14,477.20	216.76	112,357.52	38.5%
<hr/>								
45	Education							
<hr/>								
14500	School Department	36,525,855	36,525,855	8,021,777.86	3,416,597.74	.00	28,504,077.14	22.0%
	TOTAL Education	36,525,855	36,525,855	8,021,777.86	3,416,597.74	.00	28,504,077.14	22.0%
<hr/>								
50	Recreation and Culture							
<hr/>								
15000	Recreation Administration	439,700	439,700	144,927.49	49,097.79	.00	294,772.51	33.0%
15050	Rec Buildings and Grounds	699,391	699,391	210,319.93	69,002.19	5,200.17	483,870.90	30.8%
15250	Rec Building 211	173,982	173,982	15,147.43	9,727.19	4,436.02	154,398.55	11.3%
15300	Teen Center	15,000	15,000	15,000.00	.00	.00	.00	100.0%
15310	People Plus	118,300	118,300	119,300.00	.00	-6,000.00	5,000.00	95.8%
15400	Curtis Memorial Library	1,325,000	1,325,000	436,666.64	109,166.67	.00	888,333.36	33.0%
	TOTAL Recreation and Culture	2,771,373	2,771,373	941,361.49	236,993.84	3,636.19	1,826,375.32	34.1%
<hr/>								
60	Intergovernmental							

FOR 2016 04

60	Intergovernmental	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
16000	County tax	1,360,042	1,360,042	1,360,042.00	1,360,042.00	.00	.00	100.0%
	TOTAL Intergovernmental	1,360,042	1,360,042	1,360,042.00	1,360,042.00	.00	.00	100.0%
70	Unclassified							
17000	Promotion and Development	161,917	161,917	127,693.13	3,515.00	.00	34,223.87	78.9%
17010	Additional School Assistance	10,000	10,000	.00	.00	.00	10,000.00	.0%
17020	Cemetery Care	3,000	3,000	4,250.00	.00	.00	-1,250.00	141.7%
17030	Wage Adjustment Account	43,000	43,000	.00	.00	.00	43,000.00	.0%
	TOTAL Unclassified	217,917	217,917	131,943.13	3,515.00	.00	85,973.87	60.5%
80	Debt Service							
18020	2006 CIP G/O Bonds	244,000	244,000	224,000.00	224,000.00	.00	20,000.00	91.8%
18030	2011 GO CIP Bonds	255,380	255,380	575,750.00	575,750.00	.00	-320,370.00	225.4%
18040	Police Station Bond	400,125	400,125	338,937.51	338,937.51	.00	61,187.49	84.7%
18050	2010 Elementary School Bond	0	0	1,309,886.38	1,309,886.38	.00	-1,309,886.38	100.0%
	TOTAL Debt Service	899,505	899,505	2,448,573.89	2,448,573.89	.00	-1,549,068.89	272.2%
	GRAND TOTAL	59,596,486	59,646,486	19,070,685.91	9,088,543.24	909,022.10	39,666,777.99	33.5%

\*\* END OF REPORT - Generated by Julie Henze \*\*

FOR 2016 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<b>10 Taxes</b>						
<a href="#">111190 41101 Property Taxes</a>	38,824,828	38,824,828	37,996,099.68	2,285.10	828,728.32	97.9%
<a href="#">111190 41103 Deferred Property Tax</a>	-200,000	-200,000	.00	.00	-200,000.00	.0%
<a href="#">111190 41104 Tax Abatements</a>	-75,000	-75,000	-12,137.58	-6,244.87	-62,862.42	16.2%
<a href="#">111190 41105 Interest on Taxes</a>	65,000	65,000	22,130.68	3,394.33	42,869.32	34.0%
<a href="#">111190 41106 Tax Lien Costs Revenu</a>	13,000	13,000	16,249.80	.00	-3,249.80	125.0%
<a href="#">111190 41107 Tax Lien Interest Rev</a>	13,000	13,000	19,091.21	.00	-6,091.21	146.9%
<a href="#">111190 41109 Payment in Lieu of Ta</a>	175,000	175,000	34,186.42	2,721.00	140,813.58	19.5%
<a href="#">111190 41198 Homestead exemption r</a>	0	0	332,248.00	.00	-332,248.00	100.0%
<a href="#">111190 41199 Miscellaneous tax adj</a>	4	4	.00	.00	4.00	.0%
<a href="#">111191 41110 Excise Tax - Auto</a>	2,865,000	2,865,000	1,101,027.57	283,985.56	1,763,972.43	38.4%
<a href="#">111191 41111 Excise Tax Boat/ATV/S</a>	25,000	25,000	3,228.10	103.00	21,771.90	12.9%
<a href="#">111191 41112 Excise Tax - Airplane</a>	3,500	3,500	.00	.00	3,500.00	.0%
TOTAL Taxes	41,709,332	41,709,332	39,512,123.88	286,244.12	2,197,208.12	94.7%
TOTAL REVENUES	41,709,332	41,709,332	39,512,123.88	286,244.12	2,197,208.12	
<b>20 Licenses &amp; Fees</b>						
<a href="#">121111 42207 Passport Fees</a>	9,500	9,500	3,350.00	1,000.00	6,150.00	35.3%
<a href="#">121111 42209 Passport Picture Reve</a>	3,000	3,000	1,305.00	240.00	1,695.00	43.5%
<a href="#">121411 42100 Building Permits</a>	145,000	145,000	61,363.60	8,471.68	83,636.40	42.3%
<a href="#">121411 42101 Electrical Permits</a>	34,000	34,000	12,395.76	3,741.02	21,604.24	36.5%
<a href="#">121411 42102 Plumbing Permits</a>	22,000	22,000	11,487.50	2,360.00	10,512.50	52.2%
<a href="#">121411 42103 Zoning Board Fees</a>	0	0	150.00	75.00	-150.00	100.0%
<a href="#">121611 42200 Hunting &amp; Fishing Lic</a>	1,100	1,100	289.55	77.05	810.45	26.3%
<a href="#">121611 42201 Dog License Fee</a>	2,500	2,500	196.00	112.00	2,304.00	7.8%
<a href="#">121611 42202 Vital Statistics</a>	50,000	50,000	18,144.20	4,311.20	31,855.80	36.3%
<a href="#">121611 42203 General Licenses</a>	21,270	21,270	3,148.00	175.00	18,122.00	14.8%
<a href="#">121611 42204 Victulars/Innkeepers</a>	18,250	18,250	225.00	.00	18,025.00	1.2%
<a href="#">121611 42205 Shellfish Licenses</a>	17,400	17,400	425.00	25.00	16,975.00	2.4%
<a href="#">121611 42206 Neutered/Spayed Dog L</a>	4,730	4,730	310.00	190.00	4,420.00	6.6%
<a href="#">121611 42208 Postage Fees</a>	0	0	59.97	.00	-59.97	100.0%
<a href="#">121911 42300 Planning Board Appl F</a>	22,500	22,500	10,858.40	300.00	11,641.60	48.3%
<a href="#">122121 42400 Fire Permits</a>	500	500	60.00	60.00	440.00	12.0%
<a href="#">122221 42500 Conc Weapons Permits</a>	600	600	105.00	30.00	495.00	17.5%
<a href="#">123131 42600 Public Works Opening</a>	8,000	8,000	5,801.00	771.00	2,199.00	72.5%
TOTAL Licenses & Fees	360,350	360,350	129,673.98	21,938.95	230,676.02	36.0%
TOTAL REVENUES	360,350	360,350	129,673.98	21,938.95	230,676.02	

FOR 2016 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>30 Intergovernmental</u>						
<a href="#">131122 43505 FD EMPG grant</a>	15,000	15,000	5,055.90	5,055.90	9,944.10	33.7%
<a href="#">131132 43103 Highway Grant Fund</a>	195,000	195,000	.00	.00	195,000.00	.0%
<a href="#">131142 43104 State General Assista</a>	24,000	24,000	2,527.43	1,531.74	21,472.57	10.5%
<a href="#">131190 43102 State Tax Exemption R</a>	40,000	40,000	.00	.00	40,000.00	.0%
<a href="#">131192 43101 State Revenue Sharing</a>	1,088,154	1,088,154	425,904.27	113,091.27	662,249.73	39.1%
<a href="#">131192 43106 Snowmobile Receipts</a>	1,400	1,400	.00	.00	1,400.00	.0%
<a href="#">134546 43120 State Education Subsi</a>	9,826,081	9,826,081	4,111,222.52	1,878,908.03	5,714,858.48	41.8%
TOTAL Intergovernmental	11,189,635	11,189,635	4,544,710.12	1,998,586.94	6,644,924.88	40.6%
TOTAL REVENUES	11,189,635	11,189,635	4,544,710.12	1,998,586.94	6,644,924.88	
<u>40 Charges for services</u>						
<a href="#">141111 44110 Agent Fee Auto Reg</a>	47,000	47,000	17,635.00	4,293.00	29,365.00	37.5%
<a href="#">141111 44111 Agent Fee Boat/ATV/Sn</a>	1,500	1,500	341.00	40.00	1,159.00	22.7%
<a href="#">141211 44121 Rental of Property</a>	1,200	1,200	400.00	100.00	800.00	33.3%
<a href="#">141611 44131 Advertising Fees</a>	0	0	322.72	122.55	-322.72	100.0%
<a href="#">142121 44155 Ambulance Service Fee</a>	845,000	845,000	289,913.83	114,203.18	555,086.17	34.3%
<a href="#">142121 44166 Special Detail - Fire</a>	1,000	1,000	1,435.28	839.52	-435.28	143.5%
<a href="#">142221 44161 Witness Fees</a>	3,000	3,000	550.00	150.00	2,450.00	18.3%
<a href="#">142221 44162 Police Reports</a>	4,500	4,500	1,636.50	708.00	2,863.50	36.4%
<a href="#">142221 44163 School Resource Offic</a>	86,000	86,000	.00	.00	86,000.00	.0%
<a href="#">142221 44165 Special Detail - Poli</a>	3,000	3,000	12,211.00	3,620.00	-9,211.00	407.0%
<a href="#">142221 44167 Dispatch Services fee</a>	143,760	143,760	54,398.77	11,170.18	89,361.23	37.8%
<a href="#">143431 44175 Recycling Revenue</a>	25,000	25,000	6,900.80	990.60	18,099.20	27.6%
<a href="#">144545 44100 School Tuition, etc</a>	102,000	102,000	7,472.00	1,248.66	94,528.00	7.3%
<a href="#">145051 44121 Rental of Property</a>	0	0	300.00	300.00	-300.00	100.0%
TOTAL Charges for services	1,262,960	1,262,960	393,516.90	137,785.69	869,443.10	31.2%
TOTAL REVENUES	1,262,960	1,262,960	393,516.90	137,785.69	869,443.10	
<u>50 Fines &amp; Penalties</u>						
<a href="#">151621 45103 Unlicensed Dog Fines</a>	10,000	10,000	350.00	125.00	9,650.00	3.5%
<a href="#">152121 45104 False Alarm Fire</a>	1,000	1,000	.00	.00	1,000.00	.0%
<a href="#">152121 45107 Fire Code Violation F</a>	0	0	400.00	.00	-400.00	100.0%

FOR 2016 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<u>152221 45100 Ordinance Fines</u>	600	600	285.00	.00	315.00	47.5%
<u>152221 45101 Parking Tickets</u>	30,000	30,000	10,070.00	3,215.00	19,930.00	33.6%
<u>152221 45102 Leash Law Fines</u>	100	100	75.00	.00	25.00	75.0%
<u>152221 45105 False Alarm Police</u>	100	100	5.00	5.00	95.00	5.0%
<u>152221 45106 Restitution</u>	0	0	126.89	89.43	-126.89	100.0%
TOTAL Fines & Penalties	41,800	41,800	11,311.89	3,434.43	30,488.11	27.1%
TOTAL REVENUES	41,800	41,800	11,311.89	3,434.43	30,488.11	
60 Interest earned						
<u>161193 46100 Interest Earned</u>	20,000	20,000	2,355.69	648.28	17,644.31	11.8%
TOTAL Interest earned	20,000	20,000	2,355.69	648.28	17,644.31	11.8%
TOTAL REVENUES	20,000	20,000	2,355.69	648.28	17,644.31	
70 Donations						
<u>171952 47000 BDC Contrib to Econ D</u>	94,000	94,000	.00	.00	94,000.00	.0%
<u>171952 47002 MRRA - MCOG DUES</u>	15,000	15,000	15,208.50	.00	-208.50	101.4%
TOTAL Donations	109,000	109,000	15,208.50	.00	93,791.50	14.0%
TOTAL REVENUES	109,000	109,000	15,208.50	.00	93,791.50	
80 Use of fund balance						
<u>181100 48000 Unapprop General Fund</u>	825,000	875,000	.00	.00	875,000.00	.0%
<u>181100 48001 Bal of State Revenue</u>	50,000	50,000	.00	.00	50,000.00	.0%
<u>184500 48004 School Balance Forwar</u>	3,067,309	3,067,309	.00	.00	3,067,309.00	.0%
<u>184500 48005 Restricted-Sch Bond P</u>	119,800	119,800	.00	.00	119,800.00	.0%
TOTAL Use of fund balance	4,062,109	4,112,109	.00	.00	4,112,109.00	.0%
TOTAL REVENUES	4,062,109	4,112,109	.00	.00	4,112,109.00	
90 Other						
<u>191111 49000 Finance Miscellaneous</u>	4,000	4,000	2,229.83	-34.69	1,770.17	55.7%

FOR 2016 04

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
<a href="#">191111 49104 Property &amp; Casualty D</a>	0	0	10,052.00	.00	-10,052.00	100.0%
<a href="#">191111 49105 Postage &amp; Handling</a>	0	0	38.00	10.00	-38.00	100.0%
<a href="#">191111 49106 W/C Proceeds</a>	0	0	5,563.01	.00	-5,563.01	100.0%
<a href="#">191111 49210 Insurance Proceeds</a>	0	0	3,014.00	.00	-3,014.00	100.0%
<a href="#">191192 49100 Cable Television</a>	225,000	225,000	.00	.00	225,000.00	.0%
<a href="#">191611 49000 Town Clerk Miscellane</a>	1,300	1,300	660.75	196.25	639.25	50.8%
<a href="#">191911 49000 Planning Miscellaneou</a>	200	200	250.29	40.00	-50.29	125.1%
<a href="#">192121 49000 Fire Miscellaneous</a>	5,800	5,800	11,002.00	-330.00	-5,202.00	189.7%
<a href="#">192194 49151 Fire Vehicle Sales</a>	0	0	5,700.00	.00	-5,700.00	100.0%
<a href="#">192221 49000 Police Miscellaneous</a>	10,000	10,000	14,344.57	.00	-4,344.57	143.4%
<a href="#">193131 49000 Public Works Miscella</a>	2,000	2,000	12.28	.00	1,987.72	.6%
<a href="#">194141 49103 General Assistance Re</a>	0	0	1,440.00	1,440.00	-1,440.00	100.0%
<a href="#">194545 49000 School Miscellaneous</a>	93,000	93,000	5,396.51	152.17	87,603.49	5.8%
<a href="#">199980 48100 General Fund Transfer</a>	500,000	500,000	.00	.00	500,000.00	.0%
TOTAL Other	841,300	841,300	59,703.24	1,473.73	781,596.76	7.1%
TOTAL REVENUES	841,300	841,300	59,703.24	1,473.73	781,596.76	
GRAND TOTAL	59,596,486	59,646,486	44,668,604.20	2,450,112.14	14,977,881.80	74.9%

\*\* END OF REPORT - Generated by Julie Henze \*\*

**MANAGER'S REPORT - B  
NO BACK UP MATERIALS**

ITEM 113

BACK UP MATERIALS

# Town of Brunswick, Maine

## OFFICE OF THE TOWN MANAGER

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### MEMORANDUM

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**TO:** Town Council

**FROM:** John Eldridge  
Town Manager

**DATE:** November 6, 2015

**SUBJECT:** Mooring Fees

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At your November 2<sup>nd</sup> meeting, we presented the Council with a worksheet that calculated the estimated total annual costs of the Harbor's Master's activities to be \$60,534. A copy of that estimate is attached. You asked that we further estimate how much of the total costs is attributable to each of the various functions of the Harbor Master. The following estimates were developed with the Harbor Master:

#### Patrol Activities (50% - 60%)

The Harbor Master estimates that approximately 50% - 60% of his time and that of the deputy is spent on patrol activities. The Harbor Master patrols the coastal waters as well as the Androscoggin River (above and below the dam). Patrol activities include:

- Preventive patrol
- Navigational hazards and obstructions
- Boating safety enforcement
- Shoreline surveillance
- Channel buoys
- Illegal dumping and pollution violations
- Special functions on the water
- Launching and landing of watercraft

#### Mooring Related Activities (25% - 35%)

The Harbor Master estimates that approximately 25% - 35% of his time is related to the registration and inspection of moorings. Typical activities include:

- Visual inspection of the mooring
- Verifying the mooring ID number
- Matching the mooring to the registration data base
- Verifying the proper location of the mooring by GPS
- Locate, coordinate, and inspect new mooring locations
- Verify boundary of New Meadow's moorings (i.e. Brunswick/West Bath)

Memo to Town Council  
Mooring Fees  
November 6, 2015

Administrative and Maintenance Activities (10% - 20%)

The Harbor Master estimates that approximately 10%-20% of his time is related to administrative activities and the activities related to watercraft and equipment maintenance. Typical activities include:

- Responding to inquiries and correspondence
- Staffing of Rivers and Coastal Waters Commission (RCWC)
- Budget preparation and administration
- Website administration
- Watercraft maintenance
- Equipment maintenance

Also attached is the Harbor Master Association fee survey from 2014. We have added the local communities, as well as Portland and South Portland.

Based on the budget and survey information, and the work the Rivers and Coastal Waters Commission, we recommend that you adopt the fees proposed at your October 5<sup>th</sup> meeting. The proposed fees are:

Resident mooring	\$50
Non-resident mooring	\$100
Mooring in a commercial field	\$50
Moorings in a public mooring field	\$50
Helix mooring (replacement of regular)	Free for 5 years
Late registration (after deadline)	Double Fee

We would be pleased to address any additional questions.

Attachments

# TOWN OF BRUNSWICK, MAINE

## HARBOR MASTER

PERSONNEL SERVICES	Hours/Wk	Hours	Rate	Annual	Totals
Harbor Master	10.0	520	27.85	14,482	14,482
Deputy Harbor Master	15.0	780	18.01	14,048	14,048
Town Clerks Office	3.0	156	20.00	3,120	3,120
Fringe Benefits		35%		11,077	11,077
					<b>42,727</b>

CONTRACTUAL SERVICES	Pct.	Budget	Annual	Totals
Insurance Watercraft	50%	3,000	1,500	1,500
Insurance Vehicle	25%	2,000	500	500
R & M Vehicles	20%	5,000	1,000	1,000
R & M Equipment	50%	1,000	500	500
Postage	30%	500	150	150
Telephone	50%	500	250	250
Advertising	20%	300	60	60
Photocopies	50%	500	250	250
Travel	30%	2,000	600	600
Training	50%	2,100	1,050	1,050
Membership & Dues	100%	400	400	400
General Supplies	30%	150	45	45
Office Supplies	25%	400	100	100
Gasoline	30%	7,500	2,250	2,250
Tires Tubes & Props	30%	1,500	450	450
Wearing Apparel	30%	1,500	450	450
Wharf and Debris Removal	50%	1,000	500	500
Rivers Coastal Waters Comm..	100%	5,000	5,000	5,000
				<b>15,055</b>

## CAPITAL OUTLAY

	Pct.	Total Cost	Harbor Cost	Life	Totals
Replacement of Boat	50%	35,000	17,500	20	875
Replacement Outboard Engine	33%	19,000	6,270	10	627
Replacement Vehicle	25%	35,000	8,750	7	1,250
					<b>2,752</b>

## TOTALS

**60,534**

	Number	Recovery	
Moorings	308	100%	197
		75%	147
		65%	128
		50%	98
		35%	69
		25%	49

Town	Overnight Dockage	Power	Trash	Water	Pumpout	Showers	Day Sailors	Rental Mooring
Bar Harbor	\$1.50/ft res, \$3/ft non	\$10/\$25/\$46	\$3/bag	\$38/night				\$35
Belfast	<40'=\$2, <60'=\$2.5, >60'=\$3	\$2/\$5/\$10	\$2.50 (\$3)	n/c	\$5	\$2	\$100 touch & go, \$45/ft over	\$30
Bristol								
Brooksville								
Bustins Island								
Camden	<40'=\$2, <70'=\$3, >70'=\$4.50	\$10/\$20					\$1,750	
Cape Elizabeth								
Castine	\$2/ft	Yes		Yes	Yes		2 hr, n/c	\$35 (2)
Falmouth					n/c			
Freeport								
Harpswell								\$100 (?)
Kittery								\$20
Lincolnville							\$220 res/\$1320 non-res	
Long Island	2 hrs free, \$25 fine							
Newcastle								
Rockland	\$2/\$2.50 > 50'			\$3/\$30 pe	n/c	\$2	\$45 per foot	\$30
Searsport	\$20	Donation	n/c	n/c			n/c	\$20 (2)
Sedgwick								
Sorrento				Yes				2 n/c
Southport								
Southwest Harbor								\$25
St George			n/c					
Stockton Springs	\$1.00/ft							\$25 \$700/season
Winter Harbor								
Wiscasset	\$1.00/ft			n/c				\$.50/ft/night
York			n/c					\$30 (7)

Town	Residents	Non-Residents	Commercial	Rental Permit	Late Fee	Waiting List	Dinghies
Bar Harbor	\$45/\$35	\$90			\$20	\$10	\$35/\$70
Belfast	\$60	\$60	\$60	\$120	\$25	\$10	n/c res/\$175 dock
Bristol	\$12.50	\$12.50	\$12.50		\$25	n/c	
Brooksville	\$35/\$20/\$15	\$175/\$100/\$75	Same	None	\$100		\$30/\$250
Bustins Island							
Camden	\$125<20', \$160 + \$1/ft >3 \$50 (owns property)	\$320 + \$1/ft > 30' \$200		\$155, >40' = \$220	\$40	\$15	\$110/\$220
Cape Elizabeth							
Castine	\$75	\$350	Same	None	\$50		\$100/\$200
Falmouth	\$57	\$257	\$57		\$100	\$10	\$60/\$100
Freeport							
Harpswell	\$25	\$125	\$25	\$100	Double	n/c	\$25
Kittery	\$6/ft min \$150			\$6/ft min \$150		\$10	\$25
Lincolnville	\$55	\$137.50	\$27.50 res, \$137.50 non	\$55 res, \$275 non		\$11	
Long Island	\$30	\$60					
Newcastle	\$20	\$30					
Rockland	\$60 + \$1.75/ft > 30'	\$80 + \$1.75/ft > 30'		\$120 + \$1.75/ft > 30'			\$50/\$175
Searsport	\$65	\$130	\$65 res, \$130 non	\$65 res, \$130 non	1/2	No	\$50
Sedgwick	\$32	\$152					\$30/\$150
Sorrento	\$60	\$200 (15 spots)	\$60 res, \$100 non		\$25/wk, \$200 max	Yes	Yes/\$55
Southport	\$10	\$10	\$100	\$100	\$20	\$20 (1 time)	n/c
Southwest Harbor	\$70	\$140	\$300 res, \$600 non	\$100 res, \$200 non			\$10/\$20
St George	\$20	\$100	\$15 res, \$75 non	\$75	Double		n/c
Stockton Springs	\$65	\$135	\$65 res, \$135 non			\$10	\$50
Winter Harbor							
Wiscasset	\$50	\$150	\$150 (incl dock & crane)				n/c
York	\$86 + \$2/ft > 25'				\$25		n/c
<b>Brunswick Web Survey 11/5/15</b>							
Bath	\$25	\$50	\$75			\$6	
Freeport	\$25	\$50	\$250				
Portland	\$50	\$100	\$1,500				
South Portland	\$78	\$145					
West Bath	\$5	\$50					

## Chapter 11

### MARINE ACTIVITIES, STRUCTURES AND WAYS\*

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**\*Cross References:** Conservation Commission, § 2-76 *et seq.*; Buildings and Building Regulations, Ch. 5; Fire Prevention and Protection, Ch. 7; Housing, Ch. 8; Solid Waste, Ch. 13; Streets, Sidewalks and Other Public Places, Ch. 14; Discharge of Sewerage Into Surface Waters Prohibited, § 16-26; Zoning and Subdivision of Land, App. A; Marine Construction, App. A, § 407.

**State Law References:** Harbor Masters, 38 M.R.S.A. § 1 *et seq.*, Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies, 25 M.R.S.A. § 3501 *et seq.*, Law Enforcement Training for Harbor Masters 25 M.R.S.A. § 2804-I.

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**Art. I. Harbor, Coastal, Tidal and Navigable Fresh Waters, §§ 11-1--11-25**

**Art. II. Reserved, §§ 11-26--11-70**

**Art. III. Shellfishing, §§ 11-71--11-165**

**Div. 1. Generally, §§ 11-71--11-95**

**Div. 2. Marine Resource Committee, §§ 11-96--11-110**

**Div. 3. Shellfish Regional Advisory Commission, §§ 11-111--11-130**

**Div. 4. License, §§ 11-131--11-160**

**Div. 5. Regulations, §§ 11-161--11-165**

## ARTICLE I.

### HARBOR, COASTAL, TIDAL AND NAVIGABLE FRESH WATERS

#### Sec. 11-0 General.

- (A) *Purpose.* To establish the boundaries of channels in harbors and to regulate other activities in the harbors, coastal, tidal, and navigable waters within the Town of Brunswick, Maine in order to ensure safety to persons and property, to promote availability, preservation, and use of a valuable public resource, and to create a fair and efficient framework for administration of the resource.
- (B) *Authority.* This article is adopted pursuant to the authority granted by 38 M.R.S.A §§ 1-13, 30-A M.R.S.A § 3001, and the Constitution of Maine, Article VIII, Part 2.
- (C) *Severability.* If any section, subsection, sentence, clause or other portion of this

Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

(Ord. of \_\_\_\_\_)

**Sec. 11-1 Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them as set forth in this Section, except where the context clearly indicates a different meaning:

*Anchorage.* All navigable waters defined within the municipal boundaries of the Town of Brunswick.

*Association.* An organization of residential property owners, whether in the form of a homeowner association, subdivision association, condominium association, road association, unit owner association, planned unit development, residential real estate management association, or similar ownership arrangement or structure, where the organization assists with maintaining and improving Association property or property that is commonly held by its members.

*Boat Yard.* A place adjacent to coastal waters, where, as a business or gainful occupation, watercraft are hauled, stored, repaired and/or constructed.

*Channels.* Those paths designated by this Chapter for navigation in or access to the harbor, coastal, tidal and navigable fresh waters of Brunswick.

*Commercial mooring.* A mooring used with profit as a primary aim. Commercial moorings require Army Corps of Engineers approval.

*Commercial use.* A use with profit as a primary aim.

*Haul Off Mooring.* A mooring or tether system for a dinghy or watercraft which allows the dinghy or watercraft to be hauled to and from a mooring block or anchor to the shore by a system of lines secured at the shore.

*Houseboat.* A raft, hull, barge or vessel, designed primarily to be used as a commercial establishment or living quarters, rather than for navigation.

*Marina.* An all-tide waterfront facility, whose activities may include sales, storage, and maintenance of watercraft, and which provides slips or moorings for permanent, rental or transient berthing, and sells fuel, and supplies for watercraft and provides vehicle parking.

*Mooring.* A means of securing a single watercraft to a particular location, other

than a pier or dock; an underwater device, either helix, granite block, or mushroom, which tethers watercraft. A temporary mooring is one which is constructed to be hauled out of the water seasonally. A permanent mooring is one which is constructed to winter over in the water. A flats mooring is one which is located on the mud flats at low tide.

*Multi-use Mooring.* A registered, non-commercial mooring that hosts more than one watercraft over the course of a season for personal use only. Personal use includes, but is not limited to, use by a visiting family member. Multi-use moorings cannot be rented or leased and owners of multi-use moorings must inform the Harbor Master regarding what watercraft will use the mooring each season. No more than one watercraft may be moored at a time.

*Non-resident.* All persons not residents of the Town of Brunswick are classified as non-residents.

*Private mooring.* Any mooring that is not a commercial mooring or rental mooring.

*Rental mooring.* Rental moorings are considered commercial moorings and require Army Corps of Engineers approval.

*Resident.* A person who occupies a dwelling for more than six (6) months in a calendar year within the Town of Brunswick, a Brunswick real estate tax payer, or a registered voter in the Town of Brunswick.

*Town Wharfs.* Any floats or structures located at town owned or operated boat launches.

*Watercraft.* Any type of vessel, boat, barge, float, or craft used on the water.

*Yacht Club.* A private association, corporation or other legal entity organized to promote recreational boating.

(Ord. of 4-4-05; Ord. of \_\_\_\_\_)

**Sec. 11-2 Channels.**

(A) *Establishment of channels.* Two (2) channels are established, described as follows:

(1) Commencing at the Old Bath Road bridge as it crosses the New Meadows River, thence following the high water mark of the New Meadows River southerly to the southerly tip of Howard Point, thence easterly to the town line between Brunswick and West Bath, thence following the town line northerly to the Bath Road bridge, thence westerly along the Bath Road bridge to the

point of beginning.

- (2) Commencing at the mean high water line on the Mere Point Boat Launch ramp surface and extending approximately three hundred fifty (350) feet to the southeast between buoys marking the fifty (50) foot wide approach lane to the ramp.
- (B) *Passage of vessels.* A person shall not use any watercraft or any other device or structure within the described channels so as to interfere with or impede the passage of vessels in the channel in any manner.
- (C) *Mooring.* A person shall not place, anchor, or moor any watercraft within the described channels without the permission of the Harbor Master.

(Ord. of 4-4-05; Ord. of \_\_\_\_\_)

**Sec. 11-3 Harbor Master.**

- (A) *Appointment.* The town shall appoint a Harbor Master every three years (or upon vacancy) on May 1<sup>st</sup> for a period of three years. Pursuant to 38 M.R.S.A. § 1-A, a person appointed or reappointed as Harbor Master must complete a basic harbor master training course offered by a statewide harbor masters association within one year after being appointed or reappointed, unless that person has previously completed such a course.
- (B) *Duties.* The Harbor Master shall have the following responsibilities and duties:
  - (1) To the extent of jurisdiction, enforce any and all federal, state and local laws, ordinances, codes, rules or regulations relating to the management and control of the Town of Brunswick's harbor, coastal, tidal and navigable fresh waters, shores, coastline, boat launch facilities, and wharfs;
  - (2) Provide information or seek input as appropriate from any source, including the Rivers and Coastal Waters Commission, the Marine Resources Committee, Marine Wardens, Town Manager, Town Council, or Town Attorney;
  - (3) Approve and control the placement of all moorings within the harbor, coastal, tidal, and navigable fresh waters of the Town of Brunswick pursuant to the provisions of this Ordinance.
  - (4) Maintain accurate records of all registered moorings; and
  - (5) Serve as staff to the Rivers and Coastal Waters Commission (the "Commission"), regularly attend Commission meetings, inform the Commission of his/her activities and provide such information as may be

requested by the Commission for the execution of its duties. The Harbor Master shall also report to the Town Council regarding his/her activities and the activities of the Commission.

- (C) *Authority to carry a weapon and make arrests.* Pursuant to 38 M.R.S.A. § 1, a Harbor Master may not make arrests or carry a firearm unless the Harbor Master has successfully completed the training requirements prescribed in Title 25, Section 2804-I of the Maine Revised Statutes. A harbor master who has completed this training shall be assigned to a division under the Police Department.

(Ord. of 4-4-05; Ord. of 4-7-08(1); Ord. of \_\_\_\_\_)

#### **Sec. 11-4 Moorings.**

- (A) *Mooring Assignments.* Mooring privileges in the Town of Brunswick shall be assigned pursuant to 38 M.R.S.A. §§ 3 and 11. Consequently, mooring assignments are available to individuals who are the owners or masters of a watercraft and who own shore rights to a parcel of land, which is defined as a lot that satisfies applicable minimal buildable lot size requirements and includes at least 100 feet of shoreline frontage. Notwithstanding the foregoing, mooring assignments are also available to individuals who, prior to January 1, 1987, owned shore rights of at least 100 feet of frontage regardless of the size of the lot. Only one mooring may be assigned to any shorefront parcel of land under this privilege.
- (B) *Grandfathered moorings.* Notwithstanding Section 11-4(A), mooring privileges in lawful existence on the effective date of this Ordinance shall be preserved. Nothing in this subsection shall be construed as a limitation on the authority of the Harbor Master with respect to use and location of the moorings.
- (C) *Transferability of Mooring Assignments.* Pursuant to 38 M.R.S.A. §§ 3 and 3-A, mooring assignments may not be transferred unless the mooring is used for commercial fishing purposes. Transfer of a mooring assignment used for commercial fishing purposes is permitted only at the request or death of the mooring owner, only to a member of the mooring owner's family, and only if the mooring assignment will continue to be used for commercial fishing purposes. A member of the mooring owner's family means a parent, child, or sibling, by birth or adoption, including a relation of the half blood, or the mooring owner's spouse.
- (D) *Registration.* Owners of parcels that qualify under Section 11-4(A) who desire a mooring assignment and owners of grandfathered mooring assignments must submit a mooring registration form to the Harbor Master each year.

In the year 2015, the Harbor Master shall no later than two weeks after enactment of this Ordinance by the Town Council send via U.S. Mail or email a notice to all

registered mooring owners informing them of the June 1<sup>st</sup> deadline for submission of the annual mooring registration form. Each year thereafter, the Harbor Master shall no later than January 31<sup>st</sup> send via U.S. Mail or email a notice to all registered mooring owners informing them of the May 1<sup>st</sup> deadline for submission of the annual registration form. Notice of the registration deadline shall also be posted in the Town Hall and on the Town of Brunswick's website no later than January 31<sup>st</sup>.

Mooring registration forms may be downloaded from the Town of Brunswick's website or obtained from the Town Clerk or the Harbor Master.

Registration forms shall require the following information:

- (1) Description of the watercraft to be moored, including state and/or federal registration numbers, make and model, color, length, propulsion, draft, and weight;
- (2) The applicant's name (or names, in the event the mooring is to be held jointly by adult members of the same household), residence address or local business address, mailing address (designated by the applicant as the address where the applicant will accept notices under this Ordinance), home or cell phone number, and email address;
- (3) Type and weight of mooring;
- (4) Type and size of bottom and top chains;
- (5) A name, address, and telephone number of an emergency contact, whom the mooring owner authorizes to make decisions surrounding the mooring in his or her absence;
- (6) GPS location (or proposed location) of the mooring;
- (7) The signature of the applicant, or the applicant's designee, and the date of the application; and
- (8) Dates of installation and of the most recent inspection.

- (E) ~~*Fees. The Rivers and Coastal Waters Commission will recommend mooring registration fees to be adopted by the Brunswick Town Council. Mooring registration fees may be amended from time to time. Mooring registration fee schedules will be available at the Town Clerk's Office and on the Town of Brunswick's website.*~~

The annual mooring registration fees shall be as follows:

Resident mooring \$50

<u>Non-resident mooring</u>	<u>\$100</u>
<u>Mooring in a commercial field</u>	<u>\$50</u>
<u>Moorings in a public mooring field</u>	<u>\$50</u>
<u>Helix mooring (replacement of regular)</u>	<u>Free for 5 years</u>
<u>Late registration (after deadline)</u>	<u>Double Fee</u>

- (F) *Mooring Inspection Required.* Every two years, each registered mooring shall be inspected by the mooring owner at the mooring owner’s expense and must be determined by the mooring owner to be in a safe condition. The date of inspection must be recorded on the mooring registration form. The mooring owner is responsible for the adequacy and performance of all mooring gear, tackle, and maintenance thereof. The Harbor Master has the authority to inspect at any time any mooring and to require any necessary maintenance or replacement of parts or the whole mooring, tackle and/or gear, for which the mooring owner shall be responsible for all costs incurred.

The Town of Brunswick assumes no liability whatsoever for the actual performance or adequacy of any mooring system employed by a mooring owner.

- (G) *Placement standards.* The Harbor Master shall approve the location of all moorings in the harbor, coastal, and tidal waters of Brunswick. All moorings shall meet the following standards:
- (1) Moorings shall be adequate for the size, weight, and windage of the watercraft.
  - (2) Moorings shall be located in areas that do not interfere with navigation.
  - (3) Moorings shall not encroach into the channels of Brunswick.
  - (4) Moorings shall be located in areas that do not cause unreasonable adverse impacts on natural resources. Conditions that may result in an unreasonable adverse impact on natural resources include, but are not limited to:
    - i. The presence of eel grass or other submerged vegetation;
    - ii. The presence of a significant shellfish habitat, or important recreational or commercial fishing ground;
    - iii. The proposed location is within mapped Significant Shorebird Feeding or Roosting Habitat (based on Maine Department of Inland Fisheries and Wildlife and Maine Department of Environmental Protection Maps);
    - iv. The proposed location is within mapped Tidal Waterfowl and Wadingbird Habitat (based on Maine Department of Inland Fisheries and Wildlife and

Maine Department of Environmental Protection Maps);

- v. The proposed location is within habitat for listed rare, threatened, or endangered species, and regular use of a mooring in that location would unreasonably adversely impact the species; or
- vi. The proposed location would cause unreasonable adverse impacts to a saltmarsh.

Nothing in this Subsection shall be construed to limit the authority of the Harbor Master to consider other factors and make determinations on unreasonable adverse impacts to natural resources on a case-by-case basis. Where practicable, the Harbor Master shall work with the mooring owner to evaluate and select placement and tackle alternatives in order to mitigate unreasonable adverse impacts on natural resources.

- (5) The Harbor Master's authority under this Section shall not be inconsistent with Army Corps of Engineers and Maine Department of Environmental Protection approvals governing existing commercial moorings in mooring fields.
- (6) Where practicable, the Harbor Master shall, if so requested, locate the mooring within reasonable proximity of the mooring owner's property.

All moorings that meet the above standards but are not placed in the location approved by the Harbor Master shall be moved by the owner at his or her own expense in accordance with the instructions of the Harbor Master. In the event of a mooring owner's failure to comply with the relocation and/or removal instructions of the Harbor Master, the Harbor Master shall move or remove the improperly located mooring and the cost shall be borne by the owner of the mooring. Before removing a mooring, the Harbor Master shall notify the owner, if ownership can be determined, by mail at the owner's last known address, or by email. The notice shall inform the owner of the desired action and of the fact that the mooring will be removed at the expense of the owner if the owner does not comply. If the matter is not settled to the Harbor Master's satisfaction within two (2) weeks after notice was given, the Harbor Master may then move or remove the mooring.

- (H) *Identifying Numbers.* Identifying numbers shall be issued to mooring owners, and mooring balls and buoys must be clearly marked with the issued number. Numbers shall be a minimum of four (4) inches and visible at all times. Replacement mooring balls and buoys shall maintain the originally assigned number. An annual mooring registration sticker, issued by the Harbor Master upon completion and approval of the mooring registration, shall be affixed to the top of the mooring buoy for which it was assigned.

- (I) *Ownership of Moorings.* All mooring assignments (with the exception of marina moorings) shall be used exclusively for the use of the mooring owner and solely for the watercraft (or in the case of a multi-use mooring, multiple watercraft) listed in the application.
- (J) *Termination.* All persons who had been assigned a mooring and whose mooring assignment is to be terminated by the Harbor Master for reasons of non-compliance with this article or any other reason shall receive written notification from the Harbor Master. This notice shall state the fact of the termination and the reason for termination, and list the appeal procedures designated in Section 11-14 of this Chapter.
- (K) *Associations.* Associations may establish and manage moorings plans on behalf of Association members, subject to input and approval by the Harbor Master. Mooring areas controlled by Associations shall be subject to the following requirements:
  - (1) The Association manages moorings in designated areas;
  - (2) The Association provides oversight of member mooring use, including inspections; and
  - (3) The Association is registered with the Harbor Master and provides member/mooring holder rosters and mooring location plans.

Nothing in this Subsection shall be construed as a limitation on the ability of the Harbor Master to carry out his responsibilities and duties as set forth in this Chapter.

(Ord. of 4-4-05; Ord. of \_\_\_\_\_)

**Sec. 11-5 Operation of watercraft.**

No watercraft shall be operated within two-hundred (200) feet of shore and within established mooring fields or moorings placed in a designated area in accordance with Section 11-4 (K) of this Chapter at a speed in excess of five knots or that causes a wash, wake or waves that disturbs or damages any wharf, float or anchored or moored dock, or watercraft or that endangers any person or property.

(Ord. of 4-4-05; Ord. of \_\_\_\_\_)

**Sec. 11-6 Town launch facilities.**

- (A) Use of town launch facilities consistent with the provisions of this article shall be permitted.
  - (1) Commercial uses of town launch facilities require a special activity permit

from the Town Clerk.

- (B) The following activities are prohibited at town launch facilities:
- (1) Storage of bait or catch for unreasonable periods of time, as determined by the Harbor Master.
  - (2) Processing of seafood products. For the purposes of this Section, "processing" does not include washing clams by repeated submersion of bushel bags in the water.
  - (3) Anchoring or mooring.
  - (4) Tying up to wharfs for more than thirty (30) minutes.
  - (5) Swimming or fishing except in designated areas.
  - (6) Power loading or unloading, watercraft washing, watercraft painting, and bilge draining.

(Ord. of 4-4-05; Ord. of 4-7-08(2); Ord. of \_\_\_\_\_)

**Sec. 11-7 Disruptive conduct.**

No person shall disrupt safe and lawful activities, or in any way threaten the public safety, in or around town launch facilities, wharfs, and harbors, coastal, tidal and navigable waters of the Town of Brunswick.

(Ord. of 4-4-05; Ord. of \_\_\_\_\_)

**Sec. 11-8 Menaces to navigation.**

The Harbor Master is authorized to take whatever action is necessary and appropriate to remove any menace to navigation within the harbor, coastal, tidal and navigable fresh waters of the Town of Brunswick. This shall include, but is not limited to, contracting for removal of the menace by the authorities of the State of Maine, Federal Government, or a private contractor at the expense of either the Town of Brunswick, some other governmental entity, or the private entity or individual responsible for the creation of the menace.

(Ord. of 4-4-05; Ord. of \_\_\_\_\_)

**Sec. 11-9 Dumping of sewage prohibited.**

No person may discharge, spill or permit to be discharged sewage, garbage, or other pollutants from any watercraft into the harbor, coastal, tidal and navigable fresh waters of

the Town of Brunswick or onto the ice or banks thereof in such a manner that the same may fall or be washed into such waters or in such a manner that the drainage may flow into such waters.

(Ord. of 4-4-05)

**Sec. 11-10 Failure to obey order of the Harbor Master.**

As provided by 38 M.R.S.A. § 13, a person is guilty of failure to obey an order of the Harbor Master if the person intentionally, knowingly or recklessly fails to obey any lawful order of the Harbor Master authorized pursuant to 38 M.R.S.A. §1 *et seq.* Failure to obey an order of the Harbor Master is a Class E Crime.

(Ord. of 4-4-05)

**Sec. 11-11 Forfeiture.**

Any watercraft, skiff, float, dock, fishing gear, or wharf left tied to a town wharf without proper identification, or left sunk or awash, for a period exceeding forty-eight (48) hours shall be deemed abandoned for the purposes of this Section. Any abandoned property shall be impounded by the Harbor Master and disposed of according to the procedure outlined in Title 25, Chapter 401. The Town shall not be liable for any damage to abandoned property that is impounded in accordance with this Section.

(Ord. of 4-4-05; Ord. of \_\_\_\_\_)

**Sec. 11-12 Enforcement.**

This Chapter shall be enforced pursuant to the provisions of 38 M.R.S.A § 1 *et seq.* and 30-A M.R.S.A. § 4452. Any person found in violation of this article shall, after notice and hearing, lose his or her mooring privileges and all rights to use the town launch facilities and wharfs. In addition, the town shall have available all other remedies provided by law.

(Ord. of 4-4-05; Ord. of \_\_\_\_\_)

**Sec. 11-13 Boat storage.**

No boat, vessel, raft, barge, or other watercraft shall be stored overnight in or on any navigable waters within the town without being licensed or permitted to do so. A person found in violation will be subjected to the cost of removing the vessel, boat, raft, barge, or watercraft and be fined one hundred and fifty dollars (\$150.00).

(Ord. of 06-20-11(1))

**Sec. 11-14 Appeals.**

- (A) Any person directly aggrieved by a decision, order, rule, or action by the Harbor Master may appeal said decision, order, rule or action to the Rivers and Coastal Waters Commission.
- (B) Such appeal shall be made in writing within 30 calendar days of the decision, order, rule, or act from which the appeal is taken. It must state with specificity the decision, order, rule, or act from which the appeal is taken and the reason for the appeal. The Commission at its next regular meeting, or pursuant to a specially called meeting, shall consider the appeal. The decision on appeal by the Commission shall be written and state the reasons and basis for the decision.
- (C) Any decision, order, rule, or act by the Harbor Master concerning the location of moorings, as a result of which location there is an immediate danger to life or property, shall not be stayed pending the appeal.
- (D) Any party directly aggrieved by the decision of the Commission may appeal within thirty (30) days to the superior court in accordance with the Maine Rules of Civil Procedure.

(Ord. of \_\_\_\_\_)

**Sec. 11-15 Rivers and Coastal Waters Commission.**

- (A) *Purpose.* The Rivers and Coastal Waters Commission works toward harbor improvement and management, consistent with the objectives and priorities of the Town's Harbor Management Plan ("HMP"). The Commission will bring recommendations for policy, oversight and/or action(s) to the Town Council, as appropriate. The Town Council will have ultimate authority over adopting the Commission's recommendations.
- (B) *Administrative Matters.* The Commission will meet bimonthly, quarterly, or other frequency as determined by the Commissioners and Staff. The Commission will elect its slate of officers, at an interval deemed most appropriate to its membership.
- (C) *Appeals.* The Rivers and Coastal Waters Commission also sits as a board of appeals to hear appeals from any person aggrieved by any order, rule, or action by the Harbor Master as set forth in Section 11-14 of this Chapter.
- (D) *Staffing and Membership.* The primary staff to the Commission shall be the Harbor Master. The Commission will be composed of seven (7) Voting Members; Two (2) Ex-Officio Non-Voting Members; Two (2) Alternates; and One (1) Non-Voting Primary Staff Member, as described in the Town Council charge adopted April 28, 2014, as amended from time to time.

(Ord. of \_\_\_\_\_)

**11-16--11-25 Reserved.**

ITEM 114

BACK UP MATERIALS

# Town of Brunswick, Maine

## OFFICE OF THE TOWN MANAGER

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### MEMORANDUM

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**TO:** Town Council

**FROM:** John Eldridge  
Town Manager

**DATE:** October 28, 2015

**SUBJECT:** Municipal Code Amendments - Revenues

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For some time, we have been working on amending the Municipal Code of Ordinances to remove the revenues, charges, fees and fines from the body of each Code section that mentions them. Instead, those sections would reference a table that would be an appendix to the Municipal Code. Creating such a table would facilitate a more timely review of those revenues. As we know, the Town has not been as vigilant as it should have been in regularly reviewing and updating fees.

Attached is a draft of the Municipal Code amendments that would implement the change described above. Also attached is the proposed table that would become an appendix to the Code – Master Schedule of Revenues, Charges, Fees and Fines. Please note, the table does not propose to change any current fees. Further, the table refers to the General Provisions section of the Municipal Code where language has been added indicating that the table will be adopted and amended in the same manner as any amendment to the Code. In other words, changes to the table would require notice, hearing and adoption.

In reviewing the Municipal Code, it was clear that, beyond the revenue references, additional work should be done to update and clarify sections of the Code. That effort should also be part of a future project.

Again, the impetus for these changes was to provide a mechanism that facilitated a more timely review and update of the Town's revenues, charges, fees and fines. The amendments are presented to you in draft form as the Town Attorney is reviewing the changes and departments are double-checking the changes that pertain to their Code sections. The Finance Committee reviewed and supported this concept it at its October 15<sup>th</sup> meeting.

I would be pleased to answer any questions the Town Council might have regarding this proposal.

Attachments

**Appendix A  
Town of Brunswick**

**Master Schedule of Revenues, Charges, Fees and Fines**

This schedule shall be adopted and amended as specified in Chapter 1 - General Provisions, Sec. 1.1 of this Code.

Reference	Date	Description	Amount
<b>Chapter 2 - Administration</b>			
Sec. 2-129	8/9/2006	Civil penalty for violation of any provision of this division	\$100 - \$500
<b>Chapter 3 - Alarms</b>			
Sec. 3-4	12/19/2005	Application for a permit to install, maintain, or operate an alarm system (non-refundable)	\$5 fee, \$25 each fire alarm or combination fire/police system
Sec. 3-12	12/19/2005	Police - false alarm to the emergency communications center three (3) times in any given calendar year	\$25 for each subsequent false alarm
		Fire - false alarm to the emergency communications center two (2) times, in any given calendar year	\$100 for each subsequent false alarm
Sec. 3-15	12/19/2005	Any violation of this chapter shall be punishable by a civil penalty	\$100 for first and second, and not more than \$500 for third and subsequent violations
<b>Chapter 4 - Animals</b>			
Sec. 4-31	11/1/2006	Impounding a dog (1st/2nd/3rd and subsequent impoundment of same dog)	\$25/\$50/\$100
		Keeping the dog	\$5 per day
		Notice by mail or by posting	\$3
Sec. 4-38	4/22/1997	Violation of any provision of this chapter (1st/2nd/3rd and subsequent offense)	not more than \$25/\$200/\$500
Sec. 4-69	10/19/2009	A person who keeps domesticated chickens shall obtain a license	\$10, late fee \$10
		Violation of any provision, each day a separate offense	\$100
Sec. 4-97	10/17/2011	Initial license for domesticated farm animal/renewal	\$100/\$50
		Late fee for expired license/doubled after thirty days	\$25/\$50
Sec. 4-99	10/17/2011	Violation of any provision, each day a separate offense	\$100
<b>Chapter 5 - Buildings and Building Regulations</b>			
Sec. 5-52	3/19/2012	building permit, minimum fee	\$45
		Each square foot of floor area for one- and two-family dwellings	\$0.35 per sq. ft.
		Each square foot of floor area for new or used mobile home	\$0.20 per sq. ft.
		Installation of used mobile home	\$100
		Unattached, unenclosed, unheated structure	\$0.20 per sq. ft.
		All other use groups from Chapter 3 of MUBEC	\$0.40 per sq. ft.
		Alterations, renovations for all one- and two- family dwellings	\$6 per \$1,000 of construction value
		Alterations, renovations to other groups in Article 3 of MUBEC	\$9 per \$1,000 of construction value
		Foundation only	\$0.40 per sq. ft.
		Demolition permit (per structure)	\$50
		Sign fees	
		1-10 sq. ft.	\$10
		11-25 sq. ft.	\$15
		26-50 sq. ft.	\$25
		51-100 sq. ft.	\$45
		Over 100 sq. ft.	\$45

**Appendix A  
Town of Brunswick**

**Master Schedule of Revenues, Charges, Fees and Fines**

This schedule shall be adopted and amended as specified in Chapter 1 - General Provisions, Sec. 1.1 of this Code.

Reference	Date	Description	Amount
		Plus, per sq. ft.	\$0.50
		Not obtaining a permit or unreasonable delay	double fee
		Reinspection fee for subsequent inspections	\$50
Sec. 5-77	3/15/2010	Electrical inspection permit fee, general minimum fee	\$45
		Reinspection for code violation	\$30
		Original installations	
		One- or two-family dwellings	\$0.06 per sq. ft.
		Other use groups in section 301.1 of BOCA Code	\$0.09 per sq. ft.
		All use groups in section 310 of BOCA, 1-10 fixtures or outlets	\$6
		11-20 fixtures or outlets	\$9
		21-31 fixtures or outlets	\$12
		Over 30 fixtures or outlets	\$25
		Additions and Alterations	
		Service and meter or replacement	\$45
		Each additional meter on same service	\$5
		Installations for appliances, water heaters, dryer, disposal, etc.	\$5
		Swimming pools	\$45
		Plus each appliance	\$5
		One electrical sign or lighting standard/each additional	\$5/\$1
		Hazardous location	\$10
		Addition for each unit changed or added (pumps, fixtures,etc.)	\$5
		From 1-20 fixtures or outlets	\$45
		Over 20 fixtures or outlets, fee computed on sq ft basis (5B)	
		Not obtaining a permit or unreasonable delay	double fee
		Violation of any provisions of this code	\$100 maximum fine
Sec. 5-78 30-A MRSA §4211	3/15/2010	Internal plumbing: per fixture/minimum permit	\$9/\$36
Sec. 5-79 30-A MRSA §4211	3/15/2010	Subsurface wastewater disposal: base fee 150% of state minimum fees as listed in Table 110.2 of the Maine Subsurface Waste Water Disposal Rules.	
<b>Chapter 7 - Fire Prevention and Protection</b>			
Sec. 7-27	10/6/2008	Violation of any provisions of the code	\$100 maximum fine
		Permit fee for installation or enlargement/extension of existing system	\$10
		Permit fee for installation of oil burning equipment and oil tanks	\$10 each
		Permit for installation of solid fuel burning device	\$10
		Penalty for violating provisions of the code	\$100 maximum fine
<b>Chapter 8 - Housing</b>			
Sec. 8-34	8/17/1981	Violation or noncompliance with order or enforcement of this article	\$100 maximum fine
<b>Chapter 9- Human Services</b>			
Sec. 9-41	6/1/2009	Fees for emergency medical services provided by the town	
		Non-transport (billable)	\$160 per response
		ALS Assist	\$265 per response
		Basic Life Support	\$380 per response
		Advance Life Support	\$530 per response
		Advance Life Support 2	\$690 per response

**Appendix A  
Town of Brunswick**

**Master Schedule of Revenues, Charges, Fees and Fines**

This schedule shall be adopted and amended as specified in Chapter 1 - General Provisions, Sec. 1.1 of this Code.

Reference	Date	Description	Amount
		Loaded Mile	\$11 per mile
<b>Chapter 10 - Licenses and Business Regulations</b>			
Sec. 10-1	6/1/1992	Violation of the provisions of Section 10-1, minimum/maximum	\$100/\$250
Sec. 10-26	3/23/2009	Business license application fee	\$25
		Late fees: fees higher than \$50/fees less than \$50	\$25/\$10
		If license has been expired more than thirty (30) days	double fee
Sec. 10-26 (1)		License for bowling alleys, billiards and other types of games	\$20 per lane or table
Sec. 10-26 (2)		License for carnival or circus, daily	\$150, \$25 for charitable
Sec. 10-26 (3)		Peddler's license: weekly/up to 3 mos/up to 6 mos/up to 12 mos	\$25/\$50/\$75/\$100
Sec. 10-26 (4)		Pawnbroker's license	\$75
Sec. 10-26 (5)		Pinball machines and other amusement devices (1 or more)	\$35 each
Sec. 10-26 (6)		License fee for sellers of prepared food on a public way	\$25
		License fee for sellers of prepared food at the Mall	\$1,500
		License fee for sellers of prepared food at the Farmer's Market	\$3,000
		Single event license: single day/up to 3 days	\$25/\$50
Sec. 10-26 (7)		License for indoor or drive-in theater	\$150
Sec. 10-26 (8)		Food Service Establishment with malt, vinous, and spirituous liquor	\$250
		FSE with malt and vinous	\$200
		FSE with malt or vinous	\$175
		FSE with no alcohol - sit-down	\$100
		FSE with mobile carts, take-out coffee, popcorn, deli, pizza, etc.	\$75
		FSE temporary 1 to 3 days (festival, holiday celebration, parade)	\$25
		Innkeeper (1--15 rooms) includes complementary food	\$25
		Innkeeper (over 15 rooms) includes complementary food	\$175
Sec. 10-26 (9)		Secondhand dealer	\$75
Sec. 10-26 (10)		Bazaar or flea market (1-3 days)	\$50
		Bazaar or flea market annual license	\$225
Sec. 10-26 (11)		Tattooing establishment license	\$75
Sec. 10-26 (12)		Going out of business	\$50
Sec. 10-26 (13)		Application fee for automobile graveyard or junkyard located more than one hundred (100) feet from a highway	\$25
<b>30-A MRSA §3751</b>		Annual permit fee for an automobile graveyard or junkyard located more than one hundred (100) feet from a highway (plus cost of posting and publishing required notices)	\$50
		Annual permit fee for an automobile graveyard or junkyard located within one hundred (100) feet of any highway (plus cost of posting and publishing required notices)	\$200
		Recycling business - annual permit fee/annual inspection fee (plus cost of posting and publishing required notices)	\$250/\$25
		Violation of any provision of this subsection	\$2500.00 maximum fine
Sec. 10-26 (14)		Non-profit application fee/sales license, single day (may be waived)	\$25/\$500
		Non-profit application fee/sales license, up to 3 days (may be waived)	\$25/\$1,200
Sec. 10-26 (15)		Alcohol license application	\$25
Sec. 10-28	6/1/1992	Violation of any provision of this article	\$250 maximum fine
		Fine for giving false information to obtain a license	\$250 maximum fine
Sec. 10-46	11/1/2006	Application fee for license to collect or transport sewage	\$25

**Appendix A  
Town of Brunswick**

**Master Schedule of Revenues, Charges, Fees and Fines**

This schedule shall be adopted and amended as specified in Chapter 1 - General Provisions, Sec. 1.1 of this Code.

Reference	Date	Description	Amount
		License to collect or transport sewage, per vehicle, per year	\$75
		Fee for above license issued between July 1 and December 31	\$38
Sec. 10-49	3/1/1993	Violation of this article first offense/second and subsequent offenses within a twelve month period of time	\$500/\$1,000 maximum fines
Sec. 10-73	11/1/2006	Special Amusement application fee/permit	\$25/\$100
Sec. 10-77	6/1/1992	Violation of any of the provisions of this article	\$500 maximum fine
Sec. 10-99	11/1/2006	License for operation of horse-drawn carriage or taxicab, owner	\$65 each
		License for above issued between October 1 and March 31	\$33 each
Sec. 10-104	11/1/2006	License for operation of horse-drawn carriage or taxicab, operator	\$30
		License for above issued between October 1 and March 31	\$15
Sec. 10-108	2/5/1996	Violation of this article	\$250 maximum fine
<b>Chapter 11 - Marine Activities, Structures and Ways</b>			
Sec. 11-13	2/23/2015	Violation of boat storage article	\$150
Sec. 11-136	4/1/2013	Residential commercial shellfish license	\$300
		Nonresident commercial shellfish license	\$450
		Resident recreational shellfish license/over age 62	\$25/free
		Nonresident recreational shellfish license/over age 62	\$50/free
		Resident student shellfish license	\$75
		Nonresident student shellfish license	\$125
		Bushel license	\$175
<b>Chapter 11.5 - Offenses and Miscellaneous Provisions</b>			
Sec. 11.5-36 (b)	7/7/2008	Code violation citation	\$100
Sec. 11.5-38	7/7/2008	Civil penalty imposed upon the issuance of a citation	
		First citation	\$100
		Second citation	\$200
		Third citation	\$400
		Fourth and subsequent citations	\$800
Sec. 11.5-39	7/7/2008	Civil penalties are cumulative	
Sec. 11.5-72	10/20/2008	Violation of any provision of this article	\$500-\$1,000
<b>Chapter 12.5 - Sludge and Residual Free Zone</b>			
Sec. 12.5-7	9/7/1999	Violation of the provisions of this chapter, each day a separate offense	up to \$2,500
<b>Chapter 13- Solid Waste</b>			
Sec. 13-30 (b)	1/1/2007	Price of PAYT bags for refuse collection, 15-gal/33-gal	\$0.50/\$1
Sec. 13-30 (i)	1/1/2007	Fee for collecting all the household refuse which was not removed in compliance with subsection after issuance of one order to remove and one written notice of removal given	\$100 up to 1 cubic yd; \$100 plus cost per cubic yd for > 1 cubic yd
Sec. 13-40	3/1/1993	Annual commerc. waste collector license applic. fee, nonrefundable	\$25
Sec. 13-55	10/18/2006	Annual residential disposal permit per vehicle/last 4 months of year	\$5/\$3
Sec. 13-72	5/18/2015	Residential waste with disposal permit (per ton)	
		Household refuse/minimum charge	\$80/\$5
		White goods and scrap metal/minimum charge	\$60/\$3
		Construction & demolition debris, etc./minimum charge	\$80/\$5
		Asphalt shingles/minimum charge	\$60/\$3
		Masonry/minimum charge	\$60/\$3
		Waste wood and wood items/minimum charge	\$60/\$3
		Commercial waste fees (per ton)	

**Appendix A**  
**Town of Brunswick**

**Master Schedule of Revenues, Charges, Fees and Fines**

This schedule shall be adopted and amended as specified in Chapter 1 - General Provisions, Sec. 1.1 of this Code.

Reference	Date	Description	Amount
		Disposal fee/minimum charge	\$80/\$5
		Asphalt shingles/minimum charge	\$60/\$3
		Masonry/minimum charge	\$60/\$3
		Waste wood and wood items/minimum charge	\$60/\$3
		Tree and brush waste (per ton)/minimum charge	\$30/\$3
		Tires, up to but not including eighteen (18) inch rim size (each)	\$2
		Truck tire, eighteen (18) inch rim diameter or greater (each)	\$2
		Heavy equipment tire and minimum charge per pound	\$25/\$0.15
		White goods and scrap metal/minimum charge	\$60/\$3
		Inseparable wood waste or masonry debris	\$160
Sec. 13-97	10/18/2006	Violation of this chapter first offense/2nd and subsequent offense, plus cost and attorney fees	\$500/\$1,000
<b>Chapter 14 - Streets, Sidewalks and other Public Places</b>			
Sec. 14-2	8/5/2005	Violation of this section first or second offense	\$100
		Violation of this section third and subsequent offenses	\$500
Sec. 14-7	4/20/1987	Violation of any of the provisions of section 14-1 through 14-7	\$100 maximum fine
Sec. 14-32	5/21/2001	Violation of any provisions of this code, minimum and maximum	\$25/\$100
Sec. 14-73	5/18/2015	Excavation permit	\$100
		Excavation permit for work Nov 1 - March 15	\$500
		Excavation permit within 5 yrs of most recent resurfacing	\$500
		Excavation inspection fee	\$50
		Excavation inspection for over 50 feet of utility line replacement or installation - open cut trench/directional drilling	\$1/\$0.50 per l.f.
		Excavation charges, up to 25 sq. yds / over 25 sq. yds.	
		Bituminous concrete 4" or more in depth	\$45/\$35
		Bituminous concrete less than 4" in depth	\$40/\$30
		Bituminous concrete over portland cement concrete	\$50/\$40
		Bituminous treated surface or shoulder	\$40/\$30
		Plain gravel surface	\$10/\$10
		Bituminous concrete sidewalk	\$40/\$30
		Portland cement concrete sidewalk	\$35/\$33
		Grass esplanade or median strip	\$20/\$20
		Bituminous concrete curbing	\$15 per linear foot
		Granite curbing - removal or realignment	\$30 per linear foot
		Granite curbing - installation of new material	\$45 per linear foot
Sec. 14-80	8/8/1985	Violation of this article, for each offense	\$100 maximum fine
Sec. 14-151	10/20/2003	Violation of this division, first and second offense	\$100 maximum fine
		Violation of this division, subsequent offenses	\$500 maximum fine
Sec. 14-164	6/18/1984	Failure to obtain membership to Coffin Pond	\$100 maximum fine
		Unauthorized transfer of membership tag	\$100 maximum fine
<b>Chapter 15- Traffic and Vehicles</b>			
Sec. 15-8	12/1/2014	Parking violation of article IV, sections 15-71 and 15-73	\$25
		Failure to display a parking permit	\$10
		Improper or failure to display a disability parking placard	\$10
Sec. 15-9	5/2/1988	Violation of this chapter	\$100 maximum fine

**Appendix A  
Town of Brunswick**

**Master Schedule of Revenues, Charges, Fees and Fines**

This schedule shall be adopted and amended as specified in Chapter 1 - General Provisions, Sec. 1.1 of this Code.

Reference	Date	Description	Amount
Sec. 15-85	1/12/2013	Interference with enforcement	\$50 - \$1,000 fine
<b>Chapter 16- Utilities</b>			
Sec. 16-29	2/6/1989	Violation of this article first offense/second and subsequent offenses within a twelve month period of time, maximum fines	\$100/\$250
Sec. 16-85	7/6/1993	Violation beyond time limit in Division 2 of this article, maximum fine	\$100 per day
<b>Chapter 17- Weapons</b>			
Sec. 17-2	10/9/2004	Application for permit to carry a concealed firearm, original/renewal	\$35/\$20
Sec. 17-3	10/9/2004	Violation of this section - first offense/second and subsequent offenses	\$100/\$500 max fines
Sec. 17-5	10/9/2004	Violation of this section	\$500 maximum fine
<b>Chapter 18- Consumer Fireworks</b>			
Sec. 18-5	12/19/2011	Penalty for sale violation, first offense, plus costs and fees	\$300-\$500
		Penalty for sale violation, subsequent offenses, plus costs and fees	\$600-\$1,000
		Penalty for use violation, first offense, plus costs and fees	\$200-\$400
		Penalty for use violation, subsequent offenses, plus costs and fees	\$300-\$600

## Chapter 1 - GENERAL PROVISIONS

Sec. 1-1. - How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the Municipal Code of Ordinances, Town of Brunswick, Maine, and may be so cited.

**State Law reference**— Codification authority, 30-A M.R.S.A. § 3004.

### Sec. 1-2. - Definitions and rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the town council:

Charter. The word "Charter" shall mean the Charter of the Town of Brunswick, Maine, printed as Part I of this volume.

Code. The word "Code" shall mean the Municipal Code of Ordinances, Town of Brunswick, Maine.

Computation of time. In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(12).

County. The term "county" shall mean the County of Cumberland.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(7).

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(3).

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee.

M.R.S.A. The abbreviation "M.R.S.A." shall mean the latest edition or supplement of the Maine Revised Statutes Annotated.

Number. A word importing the singular may extend and be applied to the plural, and vice versa.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(9).

Oath. The word "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

**State Law reference**— Similar provisions, 30-A M.R.S.A. § 2001(14).

Personal property. The term "personal property" includes every kind, tangible and intangible except real property.

Property. The word "property" shall include real, personal and mixed property.

Public property. The term "public property" shall mean owned by the town and any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, schoolyard or open space adjacent thereto and any lake or stream.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curblineline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. The word "signature" or "subscription" includes a mark when the person cannot write.

State. The term "state" shall mean the State of Maine.

Street, town way or public way. The word "street" shall embrace streets, highways, avenues, boulevards, roads, town ways, lanes, bridges, and all other public ways dedicated to public use.

Tenant, occupant. The words "tenant" and "occupant" applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The word "town" shall mean the Town of Brunswick, Maine, and shall extend to and include its several officers, agents and employees.

Town council, council. The terms "town council" and "council" shall mean the Town Council of the Town of Brunswick, Maine.

Town boards, committees, commissions, officers, employees, departments, etc. Whenever reference is made to a board, committee, commission, officer, employee or department, etc., it shall mean the same as if it were followed by the words "of the Town of Brunswick, Maine."

Written and in writing. The words "written" and "in writing" shall include any representation of words, letters or figures, whether by printing or otherwise.

**Sec. 1-3. - Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(10).

#### **Sec. 1-4. - History notes.**

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(10).

#### **Sec. 1-5. - References and editor's notes.**

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(10).

#### **Sec. 1-6. - Code does not affect prior offenses, rights, etc.**

Nothing in this Code or the ordinances adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

#### **Sec. 1-7. - Effect of repeals.**

The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

#### **Sec. 1-8. - Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the town, or authorizing the issue of any bonds of the town, or any evidence of the town's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the town;
- (3) Any administrative ordinances of the town not in conflict or inconsistent with the provisions of this Code;
- (4) Any right or franchise granted by any ordinance;

- (5) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the town;
- (6) Any appropriation ordinance;
- (7) Any ordinance levying or imposing taxes;
- ~~(8) Any ordinance regarding the Bath-Brunswick Area Refuse Disposal District;~~
- (9) Any land use, zoning or rezoning ordinance or amendment to the zoning map;
- (10) Any ordinance establishing and prescribing the street grades of any street in the town;
- (11) Any ordinance providing for local improvements and assessing taxes therefor;
- (12) Any ordinance dedicating or accepting any plat or subdivision in the town;
- (13) Any ordinance establishing or setting salaries of town officers and employees;
- (14) Any temporary or special ordinances.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. The ordinances are on file in the town clerk's office.

### **Sec. 1-9. - Effect of amendments to Code.**

- (a) Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the town council to make the same a part hereof, shall be deemed to be incorporated in this Code so that reference to the Code shall be understood and intended to include such additions and amendments.
- (b) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages.
- (c) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section ;#rule; of the Municipal Code of Ordinances, Town of Brunswick, Maine, is hereby amended to read as follows: ...." The new provisions shall then be set out in full as desired.
- (d) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Municipal Code of Ordinances, Town of Brunswick, Maine, is hereby amended by adding a section to be numbered ;#rule;, which section reads as follows: ...." The new section may then be set out in full as desired.
- (e) All sections, divisions, articles, chapters, or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

### **Sec. 1-10. - Supplementation of Code.**

- (a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the town council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
  - (1) Organize the ordinance material into appropriate subdivisions;
  - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in catchlines, headings and titles;
  - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ;#rule; through ;#rule;." The inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and
  - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

### **Sec. 1-11. - Severability of parts of Code.**

It is hereby declared to be the intention of the ~~city~~-town council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

**State Law reference**— Similar provisions, 1 M.R.S.A. § 71(8).

### **Sec. 1.12. - Master Schedule of Revenues, Charges, Fees and Fines**

Code provisions that impose a charge, fee or fine shall refer to a Master Schedule of Revenues, Charges, Fees and Fines, adopted as an appendix to this Code. Any amendment to the Master Schedule shall be adopted as an ordinance, following the provisions specified by this Code and the Charter.

▲ Sec. 2-129. - Penalty. ▲

Any person, firm or corporation violating any provision of this division or any rule or regulation promulgated hereunder, upon adjudication thereof, shall be punished by a civil penalty ~~of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00)~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, and shall be liable for costs and attorneys' fees.

(Ord. of 8-9-06)

▲ Sec. 3-4. - Application for permit. ▲

▲ (a) An application for a permit to install, maintain, or operate an alarm system must be filed with the police, or fire department, whichever is appropriate, on a form provided by the department including but not limited to the name, address, and telephone number of the installer of the system, the owner of the premises on which the system will be installed, and the lessee, if any, and a description of the system and the location in which it is to be installed.

(b) The applicant shall pay fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. ~~a non-refundable five dollar (\$5.00) fee.~~

~~(c) The applicant shall pay a non-refundable twenty five dollar (\$25.00) fee for each fire alarm, or combination fire/police system.~~

Sec. 3-12. - False alarms. ▲

(a) Police: Any permit holder whose alarm system(s) causes the transmission of a false alarm to the emergency communications center three (3) times in any given calendar year shall pay a service fee ~~of twenty five dollars (\$25.00)~~ for each subsequent false alarm in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

(b) Fire: Any permit holder whose alarm system(s) causes the transmission of a false alarm to the emergency communications center two (2) times, in any given calendar year, shall pay a service fee ~~of one hundred dollars (\$100.00)~~ for each subsequent false alarm in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

▲ (c) Following the 3rd police, 2nd fire alarms, all subsequent false alarms, in any calendar year, the appropriate department shall notify the permit holder of the occurrence(s) of a false alarm, and shall inform the holder of the permit of the fee provisions of this section.

Sec. 3-15. - Penalty. ▲

Any violation of this chapter shall be punishable by a civil penalty ~~of not more than one hundred dollars (\$100.00) for the first and second violations, and not more than five hundred dollars (\$500.00) for the third and subsequent violations.~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

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Sec. 4-31. - Notice and reclamation.

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The animal control officer shall immediately notify the owner by telephone or by certified mail that the dog has been impounded, and that owner may reclaim it by licensing the dog if it is unlicensed, and by paying to the town ~~the following fees~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.:

- (1) ~~Cost of impounding the dog shall be twenty five dollars (\$25.00), except upon the second impoundment of the same dog, the fee shall be fifty dollars (\$50.00), and upon the third and all subsequent impoundments of the same dog, the fee shall be one hundred dollars (\$100.00).~~
- (2) ~~Cost of keeping the dog shall be five dollars (\$5.00) per day.~~
- (3) ~~Cost of notice by mail or by posting shall be three dollars (\$3.00).~~

(Ord. of 8-22-77, § 107; Emergency/Regular Ord. of 4-22-97; Ord. of 11-01-06(1))

Sec. 4-38. - Penalties.

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Any person who is found to have violated any provision of this chapter shall pay a civil penalty ~~of not more than twenty five dollars (\$25.00) for the first offense; not more than two hundred dollars (\$200.00) for the second offense; and not more than five hundred dollars (\$500.00) for the third and subsequent offenses.~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. Each day of violation shall constitute a separate violation. All civil penalties shall be paid to town. In addition to the civil penalties, the person violating this article shall pay the town's attorney's fees for the prosecution of the action. Finally the town may seek appropriate legal and equitable relief in a court of competent jurisdiction to enforce the provisions of this article.

(Ord. of 8-22-77, § 111(1)—(6); Emergency/Regular Ord. of 4-22-97)

Sec. 4-69. - Licensing requirements.

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A person who keeps domesticated chickens shall obtain a license for a fee ~~of ten dollars (\$10.00)~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. The license shall expire annually on the last day of April. The license shall be issued by the town clerk after favorable inspection by the Brunswick Animal Control Officer or designee. The ~~ten dollar (\$10.00)~~ fee is nonrefundable if the license is not approved. There will be a late fee assessed to licenses that have expired, ~~in the amount of ten dollars (\$10.00)~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines,

Appendix A to this Municipal Code of Ordinances. -The fine will double after the license has been expired for more than thirty (30) days.

(Ord. of 10-19-09, § VII)

Sec. 4-97. - Licensing requirements.

A person who keeps domesticated farm animals shall obtain an initial license for a fee ~~of one hundred dollars (\$100.00)~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. -The license shall expire annually on the last day of April. Renewal licenses and late fees on licenses that have expired will be in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~at a fee of fifty dollars (\$50.00)~~. The license shall be issued by the town clerk after favorable inspection by the town animal control officer or designee. The license fee is nonrefundable if the license is not approved. ~~There will be a late fee assessed to licenses that have expired, in the amount of twenty five dollars (\$25.00).~~ The late fee ~~fine~~ will double after the license has been expired for more than thirty (30) days.

(Ord. of. 10-17-11)

Sec. 4-99. - Penalty.

In addition to any other enforcement action which the town may take, violation of any provision of this article shall be a civil violation and a fine ~~not exceeding one hundred dollars (\$100.00)~~ may be imposed in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. -Each day that a violation continues will be treated as a separate offense.

(Ord. of. 10-17-11)

Sec. 5-52. - Building permit fees shall be assessed in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

- ~~(1) — The minimum fee for all building permits shall be forty five dollars (\$45.00).~~
- ~~(2) — For each square foot of floor area, excluding basements, for one and two family dwellings including modular homes, and accessory structures thirty five cents (\$0.35) per square foot.~~
- ~~(3) — For each square foot of floor area of a new or used mobile home to be located on a single privately owned lot, twenty cents (\$0.20) per square foot.~~
- ~~(4) — For any installation of a used mobile home within a legally existing mobile home park, one hundred dollars (\$100.00).~~

~~(5) — For any unattached, unenclosed and unheated structure with at least two (2) open air walls such as, but not limited to, pole barns, car ports, decks, porches, or lumber racks; twenty cents (\$0.20) per square foot of the roof or floor area of the structure.~~

~~(6) — All other use groups set forth in Chapter 3 of the MUBEC, forty cents (\$0.40) per square foot.~~

~~(7) — Alterations and/or renovations to one and two family dwellings (including modular and mobile homes) and unusual structures not conducive to square footage measurements: six dollars (\$6.00) per one thousand dollars (\$1,000.00) of estimated construction value.~~

~~(8) — Alterations and/or renovations to all other use groups set forth in Article 3 of the MUBEC: nine dollars (\$9.00) per one thousand dollars (\$1,000.00) of estimated construction value.~~

~~(9) — Foundation only, forty cents (\$0.40) per square foot. Square footage will be figured on the exterior of the building for new construction and the affected area within the building for alterations.~~

~~(10) — Demolition permit fees: fifty dollars (\$50.00) per structure.~~

**Sign fees:**

~~1—10 square feet .....\$10.00~~

~~11—25 square feet .....\$15.00~~

~~26—50 square feet .....\$25.00~~

~~51—100 square feet .....\$45.00~~

~~Over 100 square feet .....\$45.00~~

~~Plus, per square foot .....\$0.50~~

Fee computations are to be rounded to the nearest dollar.

~~(11) — Double fee. Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefore, shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all cases, a permit must be obtained as soon as practical to do so. If there is an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.~~

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(12) — A re-inspection fee of ~~fifty dollars (\$50.00)~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, will be charged for each subsequent inspection determined by the codes official to be necessary because the building or site being inspected has not been completed or is not eligible for a certificate of occupancy.

(13) Add the following sentence to the end of the second paragraph of 3109.2 of the MUBEC:

All such pools shall remain empty until the Code Enforcement Officer has inspected the property and determines that the pool enclosure requirements of Section 3109 of the 2003 International Building Code have been met.

(Ord. of 1-4-89, § 3; Ord. of 12-16-91; Ord. of 7-7-03; Ord. of 7-21-08(1); Ord. of 9-2-08(1); Ord. of 3-15-10; Ord. of 4-26-10; Ord. of 10-18-10; Ord. of 3-19-12)

Sec. 5-77. - Amendments adopted.

The following amendments to the code adopted in section 5-76 are hereby adopted:

(1) Chapter 10, Enforcement, Fees, Penalties is added to read as follows:

"ARTICLE 1000 - Enforcement

"1000-1. Enforcement. The Electrical Inspector shall enforce this code.

"1000-2. Scope. This code applies to (a) original installations of electrical systems and to (b) alterations of or additions to existing electrical systems in the Town of Brunswick.

"1000-3. Permit. Any person who desires to install original electrical systems or to alter or add to existing electrical systems as provided in this code must first obtain a permit. Authorized persons include (A) property owner doing said work or (B) State of Maine licensed electrician.

"1000-4. Inspections. The electrical inspector shall inspect all wiring at appropriate times during its installation to see that it is in compliance with this code.

"The electrical inspector may enter and examine any premises at any reasonable time in the discharge of his official duties.

"The electrical contractor or property owner shall notify the electrical inspector forty-eight (48) hours before an electrical installation is ready for inspection. Electrical installations, alterations, or additions for which a permit is required may not be used until after inspection and approval by the electrical inspector.

"1000-5. Schedule of fees. The codes enforcement officer shall collect electrical inspection fees from applicants for permits under article 1000-3, ~~as follows:~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

~~"A. General:~~

- ~~1. Minimum fee shall be .....\$45.00~~
- ~~2. Reinspection for code violation .....30.00~~
3. All fees are to be rounded to the nearest dollar.

~~"B. Original Installations:~~

- ~~"1. Residential: For one-family or two-family dwellings, six cents (\$0.06) per square foot of floor area.~~
- ~~"2. All use groups listed in section 301.1 of the BOCA National Building Code, 1990, except one- and two-family dwellings, nine cents (\$0.09) per square foot.~~
- ~~"3. All use groups listed in section 310 of the BOCA National Building Code, 1990, from 1 to 10 fixtures or outlets .....\$6.00~~
  - ~~11—20 fixtures or outlets .....9.00~~
  - ~~21—31 fixtures or outlets .....12.00~~
  - ~~Over 30 fixtures or outlets .....25.00.~~

~~"C. Additions and Alterations:~~

- ~~"1. Service and meter or replacement .....\$45.00~~

~~Each additional meter on same service .....5.00~~

- ~~"2. Installations for appliances, water heaters, dryer, disposal, etc. ....5.00~~
- ~~"3. Swimming pools .....45.00~~

~~Plus each appliance .....3.00~~

- ~~"4. One electrical sign or lighting standard .....5.00~~

~~Plus each additional sign or standard .....1.00~~

- ~~"5. Hazardous location as defined in Chapter 5 of the National Electrical Code 1990 Edition .....10.00~~

~~Plus an addition for each unit changed or added (pumps, fixtures, etc.) .....5.00~~

- ~~"6. From 1 to 20 fixtures or outlets .....45.00~~

~~Over 20 fixtures or outlets, the fee shall be computed on a square foot basis set forth under article 1000-5(B) based upon the area of the addition or alteration.~~

"1000-6. Classification of occupancies. For purpose of establishing fees for electrical permits, classification of occupancies of building structures, or portions thereof, as set forth in article 3 of BOCA National Building Code, 1990 Edition, shall be observed.

"1000-7. Double fee provisions. Any person who begins any work for which a permit is required without first having obtained it shall pay double the permit fee for the work.

This does not apply to emergency work where in the opinion of the electrical inspector it was not practical to obtain a permit before beginning the work. In emergency cases a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining the permit, the applicant shall pay a double fee.

"1000-8. Penalties. A person who violates any of the provisions of this code shall be punished by a fine ~~of not more than one hundred dollars (\$100.00)~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided. Each day the violation continues after a written notice is served on the responsible person shall be deemed to be a separate offense."

(Ord. of 1-19-88; Ord. of 12-16-91; Ord. of 4-18-95; Ord. of 3-15-10)

Sec. 5-78. - Internal plumbing.

~~Nine dollars (\$9.00) per fixture with a minimum permit of thirty six dollars (\$36.00). Permit fees will be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.~~

(Ord. of 3-15-10)

Sec. 5-79. - Subsurface wastewater disposal.

~~Fees shall be a base fee of one hundred fifty (150) percent of the state minimum fees as listed in Table 110.2 of the Maine Subsurface Waste Water Disposal Rules in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.~~

(Ord. of 3-15-10)

Sec. 7-27. - Amendments to NFPA 1, Uniform Fire Code, 2006 Edition.

The following amendments to NFPA 1, Uniform Fire Code, 2006 Edition adopted in Section 7-26 are hereby adopted:

- (1) The amendments set forth by the Maine Department of Public Safety, Office of the Maine State Fire Marshall by Chapter 3 of its Rules entitled "Fire Prevention Code" as amended on September 3, 2007, a copy of which is on file in the town clerk's office.
- (2) Section 1.1.2 shall read as follows:  
"1.1.2 Title: These regulations as set forth herein shall be known as the Fire Prevention Code of the Town of Brunswick and are hereby referred to as 'this code.' "
- (3) Section 1.6 shall read as follows:

"1.6 Enforcement: The fire chief or the chief of the fire prevention bureau, or his duly authorized representative has the authority to enforce the provisions of the fire prevention code as herein set forth. The designated enforcement officer of this code is herein referred to as the 'code official.' "

(4) Section 1.12.2.5 is added reading as follows:

"1.12.2.5. Double fees: Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefor, shall, if subsequently permitted to obtain a permit, pay double the designated permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the code official that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all cases a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, the double fee as herein provided shall be charged."

(5) Section 1.10.9.4 is added reading as follows:

"1.10.9.4.1 Appeals: A person aggrieved by a decision of the code official may appeal to the codes appeal board and demand a hearing, as provided in this code. He must file a notice of appeal with the code enforcement officer. The notice must cite the decision appealed from, identify the property involved, list the names of abutting owners and of owners of property directly across a public way and state the specific grounds for the appeal. The appellant shall pay the codes enforcement officer a filing fee to cover the cost of advertising the appeal as required by section 1.10.9.4.3."

"1.10.9.4.2 Filing date recorded: The codes enforcement officer shall stamp the filing date on the notice of appeal, give a copy to the appellant and send a copy to the codes appeal board."

"1.10.9.4.3 Appeal advertised: On receipt of the notice of appeal, the codes appeal board shall determine a hearing date and have the notice of appeal and the time and the place of the hearing published in a newspaper having general circulation in the town at least seven (7) days before the day of the hearing."

"1.10.9.4.4 Abutters notified: The codes enforcement officer shall mail a copy of the notice of appeal and the time and place of hearing to property owners described in section 1.10.9.4.1 at least six (6) days prior to the day of hearing at their last known places of address as shown on the tax records. Failure of the codes enforcement officer to send, or a property owner to receive a copy of the notice does not invalidate the hearing."

"1.10.9.4.5 Hearing procedure: At the hearing, the appellant's side of the case must be heard first. When a witness has completed his direct testimony, he may be examined directly by members of the board, and through the chairman by other interested persons. Attorneys representing the parties may examine and cross-examine witnesses directly. The secretary of the board shall keep the minutes of the proceedings including the date of the hearing, the names and addresses of all witnesses and attorneys, a brief summary of the testimony and the reasons for it.

The secretary shall file a copy of the decision with the code official as soon as it is handed down by the board. On receipt of the decision, the code official shall issue or withhold a permit according to its terms."

"1.10.9.4.6 Variances: The codes appeal board may grant a reasonable variance from the requirements of this code. The appellant must prove the following:

"(1) Financial hardship. That the application of this code is causing or would cause unusual difficulty or substantial financial hardship because of extraordinary conditions peculiar to his premises, or to a proposed building, which are not reasonably remediable.

"(2) No adverse affect. That the relief sought would not adversely affect other property or the health, safety or general welfare of the public.

"(3) Purpose upheld. That the relief sought would not tend to defeat the purpose of this code as set forth in article 1, section F-100.2.

"The codes appeal board may affirm, modify or deny determinations under or interpretations of this code made by the code official in the performance of his duties."

"1.10.9.4.7 Special conditions: In granting a variance, the codes appeal board may require that certain special conditions be fulfilled. The failure to comply with those conditions invalidates the permit granted."

"1.10.9.4.8 Limitation on subsequent appeals: If the codes appeal board denies an appeal with respect to certain buildings or premises, a second appeal of a similar nature may not be brought before the board within one (1) year."

"1.10.9.4.9 Appeal to superior court: A person aggrieved by a decision of the codes appeal board may appeal to the superior court within thirty (30) days after the decision. The appeal is governed by rule 80-B of the Maine Rules of Civil Procedure."

(6) Section 1.16.1.2 is added reading as follows:

"1.16.1.2 Penalties: A person who violates any provisions of this code shall be punished by a fine ~~of not more than one hundred dollars (\$100.00)~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided. Each day that the violation continues after a service of notice as provided for in this code shall be deemed a separate offense."

(7) Section 18.2.2.1.1 is added reading as follows:

"18.2.2.1.1. Key boxes."

"18.2.2.1.1.1. General: The code official may require a key box to be installed in an accessible location where immediate access is necessary to verify the existence of a fire or other emergency in a building equipped with, or required to be equipped with, fire detection or fire suppression systems or equipment.

"18.2.2.1.1.2 Type, contents, installation: The key box shall be of a type approved by the code official; shall contain keys to gain access as required by the code official; and shall be installed in a manner approved by the code official.

"18.2.2.1.1.3. Alarms: At the request of the owner or lessee, the code official shall permit him to install a key box tamper switch connected to the building's fire alarm system."

(8) Section 1.12.2.1.2 is added reading as follows:

"1.12.2.1.1 Design criteria: All fire protection systems shall be designed and installed in accordance with the requirements of this code, the building code and applicable NFPA Standards listed in Appendix A."

(9) Section 1.12.2.5 is added reading as follows:

"1.12.2.5 Fees: ~~There shall be a ten dollar (\$10.00) permit fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances shall be charged.~~ for each new installation of a fire protection system or the enlargement or extension of an existing system."

(10) Section 75 is added to read as follows:

"Section 75. Installation of oil-burning equipment.

"75.1 General: The provisions of Installation of Oil Burning Equipment, 2006 Edition, NFPA 31, as published by the National Fire Protection Association, are hereby incorporated into this code as section 75."

"75.2 Permit required: A permit shall be required for the installation of oil burning equipment and oil storage tanks."

"75.3 Fees: ~~There shall be a ten dollar (\$10.00) permit fee for each unit installed shall be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.~~"

(11) Section 76 is added reading as follows:

"Section 76. Chimneys, fireplaces, vents and solid fuel burning appliances.

"76.1 General. The provisions of NFPA 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Equipment, 1988 Edition, as published by the National Fire Protection Association, are hereby incorporated into this code as article 36.

"76.2 Permit required: A permit shall be required for the installation of a solid fuel burning device.

"76.3 Fees: ~~There shall be a ten dollar (\$10.00) permit fee for each unit installed shall be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.~~"

(Ord. of 2-1-88; Ord. of 12-5-88, § 2; Ord. of 12-16-91; Ord. of 10-6-08)

▲ Sec. 8-34. - Penalty. ▲

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A person who violates this article, or who fails to comply with any order of any public official in the administration or enforcement of this article shall be subject to a fine ~~of not more than one hundred dollars (\$100.00)~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, and shall be subject to injunctive action as provided in 30 M.R.S.A. § 2151, 4., E.

(Ord. of 8-17-81, § 1304)

**Sec. 9-41. - Fees.**

The following fees shall be charged for emergency medical services provided by the town in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances:

<del>Non-Transport (billable)</del>	<del>\$160 per response</del>
<del>ALS Assist</del>	<del>\$265 per response</del>
<del>Basic Life Support (BLS)</del>	<del>\$380 per response</del>
<del>Advance Life Support (ALS)</del>	<del>\$530 per response</del>
<del>Advance Life Support 2 (ALS2)</del>	<del>\$690 per response</del>
<del>Loaded Mile</del>	<del>\$11 per mile</del>

With the exception of ALS assists, all invoices for services rendered by the town's emergency medical services unit shall be billed to the patient or the patient's insurer. ALS assists shall be billed to the emergency medical services provider requesting the assistance.

(Ord. of 6-18-07; Ord. of 6-1-09)

**Sec. 10-1. - Police officers, firemen in attendance at dance halls and at sports events.**

(a) Proprietors, managers, or any person or group of persons in charge of public dances, boxing matches or wrestling matches shall, at their own expense, have in attendance thereat adequate police officers and firemen. Such officers and firemen shall represent the police and fire departments in official capacity and shall not in any way represent the party or parties in charge of such public dance, boxing match or wrestling match, except that this regulation shall not apply to fraternal, church, social or other charitable organizations. There is a three-hour minimum cost (at the current hourly rate).

- (b) Whoever violates any provisions of (a) above shall be punished by a fine ~~not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each offense in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.~~

(Bylaws of 1942; Mo. of 6-1-92)

▲ Sec. 10-26. - Required; fees. ▲

- (a) A person or organization may not engage in any of the businesses or occupations listed below without first obtaining a license from the town according to the provisions stated below, with fees paid in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. In addition, the applicant is responsible for compliance with all pertinent town ordinances and state laws. Except as otherwise stated, the license shall expire on June 30, annually.
- (b) The fees, in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, ~~indicated below~~ include an ~~twenty-five dollar (\$25.00)~~ application fee which is nonrefundable if the license is not approved. Unless otherwise designated, the initial license shall be assessed on a semi-annual basis. There will be a late fee assessed to licenses that have expired ~~in the amount of twenty-five dollars (\$25.00) for licenses with fees higher than fifty dollars (\$50.00), and in the amount of ten dollars (\$10.00) for licenses with fees fifty dollars (\$50.00) or less.~~ The fine will double after the license has been expired for more than thirty (30) days.
- (1) Bowling alleys, billiards and other types of games. The owner or operator of a bowling alley, billiard or pool parlor, or shooting gallery shall obtain a license for a fee ~~of twenty dollars (\$20.00)~~ per lane or table in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.
  - (2) Carnivals and circuses. The owner or operator of a carnival or circus shall obtain a license for a fee ~~of one hundred fifty dollars (\$150.00)~~ per day. If the carnival or circus is sponsored by a charitable corporation to aid in obtaining funds to carry out its purposes, the town shall make a refund of ~~all but twenty-five dollars (\$25.00)~~ a portion of the daily fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances upon receipt of an affidavit from the treasurer of the corporation indicating the gross receipts of the corporation from the operation of the carnival or circus.
  - (3) Peddlers. A person who seeks to peddle merchandise at retail shall obtain a license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. ~~of twenty-five dollars (\$25.00) per week, fifty dollars (\$50.00) for up to three (3) months, seventy-five dollars (\$75.00) for up to six (6) months, and one hundred dollars (100.00) for up to twelve (12) months.~~ A peddler who has no permanent business location within the state must obtain a seller's permit from the state before this license is granted. A person need not obtain a license to sell merchandise by sample, list, or catalog for future delivery (but shall register this activity with the Brunswick Police and the Brunswick Chamber of Commerce); farm,

dairy, orchard, fish, or forest products of their own production on their own property; or newspapers or religious literature.

- (4) Pawnbrokers. A person who wishes to lend money on merchandise for a set period of time shall obtain a pawnbroker's license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances of seventy five dollars (\$75.00).
- (5) Pinball machines and other amusement devices. A person shall obtain a license to operate one (1) or more pinball machines, electronic games, or other amusement devices at a particular location for a fee ~~of thirty five dollars (\$35.00)~~ in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.
  - a. Owner identified. An applicant for a license under this subsection shall provide the town council with the name and address of the owner of the machines.
  - b. Posting of license. The license required shall be posted securely and conspicuously on the premises for which it is granted and shall state the number of machines which are licensed. The licensee may substitute machines during the license year without additional charge.
  - c. Exception. This subsection does not apply to machines or devices which are owned or operated by a charitable corporation where the person in possession of the machine derives no pecuniary benefit from its presence or operation on his premises; but the corporation shall furnish the council with the name and address of the owner of any such machines.
- (6) Sellers of prepared food on public way. The town council may, upon finding that the public convenience so requires and that the applicant is a reputable person, authorize the issuance of a license to sell prepared food on a public way.
  - a. The fee for a license for sellers of prepared food on a public way shall be ~~paid a twenty five dollar (\$25.00) application fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. The fee for a license for sellers of prepared food on a public way located at the Mall on Maine Street shall be fifteen hundred dollars (\$1,500.00); this license cannot be prorated. The fee for licenses for sellers of prepared food on a public way at the Farmer's Market located at the mall on Maine Street shall be three thousand dollars (\$3,000.00) (for Tuesdays and Fridays).~~ All fees for licenses for sellers of prepared food on a public way shall be payable annually, in advance, and the license shall expire on the date of the first council meeting in March. Applications will be considered by the town council at the first council meeting in March and applications must be filed with the town clerk seven (7) days prior to this meeting. Additional applications may be filed whenever less than the maximum number of licenses have been issued and are in effect.
  - b. The town council may authorize the issuance of a license for a single day or single event on a public way in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. ~~The fee for a single day license shall be twenty five dollars (\$25.00) and for a single~~

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~~event license shall be fifty dollars (\$50.00) up to three (3) days.~~ The provisions of subsection c.5. below shall not apply to single day or single event licenses.

- c. In determining whether or not to issue a license, the council shall consider the following:
    1. The number and proximity of licenses previously granted for the general area sought to be served by the applicant.
    2. The nature, size, appearance and condition of the vehicle or food service device to be used by the applicant. A plan or picture shall be provided.
    3. The impact of the proposed use, including the location of chairs, tables, and service areas on public travel and the adjacent neighborhood. A plan for the use of the public way shall be provided.
    4. The character and ability of the applicant.
    5. Licenses to sell prepared food on the town mall shall be approved for no more than four (4) vendors annually, not including the Brunswick Farmers' Market.
  - d. Each license shall contain the following conditions:
    1. Operations of the licenses shall be confined to those hours and parts of public ways designated in the license. Because of the public way location, the town council may choose to further restrict the hours of operation. No equipment may remain on the mall or public way when the vendor is not open for business, except as approved by the director of parks and recreation. Such approval shall allow equipment to remain on the mall overnight when the following day's activity is expected to make vendor arrival unduly difficult. Such approvals shall not exceed six (6) times per year.
    2. The licensee shall keep and maintain the area adjacent to its activities free of litter and debris.
    3. The licensee shall indemnify the town against and hold the town harmless from any expense or liability in any way arising out of or connected to activity under the license.
  - e. The council may, in its discretion, as a further condition of the license, require the licensee to provide proof of insurance in appropriate amounts with respect to the risks referred to in d.3. above, and impose such conditions, not inconsistent with this article, as it deems reasonable and necessary. Current limits of insurance are as follows: General liability, including product coverage, with a single aggregate limit of five hundred thousand dollars (\$500,000.00) for bodily injury, and a one hundred thousand dollars (\$100,000.00) limit for property damage.
  - f. Any license issued hereunder may be revoked for reasonable cause at any time by the council.
  - g. Each mall vendor shall also obtain a victualer's license.
- (7) Theater. A person shall obtain a license to operate an indoor or drive-in theater for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines,

Appendix A to this Municipal Code of Ordinances ~~of one hundred fifty dollars (\$150.00).~~

- (8) Victualers/innkeeper. A person shall obtain an annual victualer's (food service establishment) or innkeeper's license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~according to the fee schedule listed below~~. This license shall expire on the last day of May, annually. A license may be issued by the town clerk, pending favorable inspection by the Brunswick Health Officer and providing all arrearage for taxes, fees, or any other obligations to the town are met. This license shall be issued to a person or corporation preparing and selling unpackaged food to persons within the town limits of Brunswick.

The initial victualer/innkeeper's license may be issued on a quarterly basis with an expiration date of May 31st of each year.

A one- to three-day temporary victualer's license may be issued by the town clerk for a festival or a holiday celebration, pending favorable inspection by the Brunswick Health Officer or a valid license issued by the State of Maine Department of Human Service or the Department of Agriculture. Verification of a state license must be presented to the town clerk at the time of application. The Brunswick Health Officer may accept a license issued by the state health department of another state, if he so decides it is appropriate.

Such licenses include, but are not limited to, the following types of businesses:

- Bakery
- Bed & breakfast lodging establishment
- Commercial caterer
- Delicatessen
- Fish market (re: Prepared seafood)
- Home caterer
- Hotel
- Ice cream shop
- Inn
- Lounge with limited food menu
- Mobile-food unit
- Motel
- Neighborhood grocery

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Restaurant

Take-out food establishment (Coffee, popcorn, hotdogs, Mall vendors, ice cream, mobile carts, prepared seafood vendor, etc.)

FSE is defined as food service establishment.

A Brunswick Food Service License is not needed for schools, church kitchens including bean suppers and holiday bazaars, fund raisers for youth organizations (hockey, soccer, swimming, Girl or Boy Scouts, football, Youth Orchestra, Band Boosters, etc.).

Fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

Fee Schedule:

~~FSE with malt, vinous, and spirituous liquor will be two hundred fifty dollars (\$250.00).~~

~~FSE with malt and vinous will be two hundred dollars (\$200.00).~~

~~FSE with malt or vinous will be one hundred seventy-five dollars (\$175.00)~~

~~FSE with no alcohol—Sit down will be one hundred dollars (\$100.00)~~

~~FSE with mobile carts, take-out coffee, popcorn, deli, pizza, bakeries, ice cream, catering, B & B's, (includes room inspection also), etc will be seventy-five dollars (\$75.00)~~

~~FSE temporary 1 to 3 days (festival, holiday celebration, parade) will be twenty-five dollars (\$25.00).~~

~~Innkeeper (1—15 rooms) includes complementary food will be one hundred dollars (\$100.00)~~

~~Innkeeper (over 15 rooms) includes complementary food will be one hundred seventy-five dollars (\$175.00)~~

(9) Secondhand dealer. A person shall obtain a license to engage in the business of selling secondhand goods or antiques for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. ~~of seventy-five dollars (\$75.00).~~

(10) Bazaar or flea market. A person shall obtain a license to operate a bazaar or flea market, so-called, consisting of two (2) or more vendors for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. ~~of fifty dollars (\$50.00).~~ The license may cover a period of one (1) to three (3) days. The licensee shall maintain a register open to inspection by the chief of police or his representative of the name and address of each vendor in the market. Charitable organizations located in Brunswick (i.e. Christmas bazaars or church fairs, etc.) need not obtain a license.

Any person or organization may obtain an annual license to operate a bazaar or flea market for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, of two hundred twenty-five dollars (\$225.00).

- (11) Tattooing establishment. A person shall obtain a license to engage in the business of applying tattoos to other persons for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, of seventy-five dollars (\$75.00). Such license will not be approved until the premises where the tattooing is to take place have passed inspection by the town's health officer.
- (12) Going out of business. A person shall obtain a license to hold a "going out of business sale" for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, of fifty dollars (\$50.00) as authorized by 30A, M.R.S.A., § 3781 et seq. The license is good for sixty (60) days and may be extended for an additional sixty (60) days. The application shall be accompanied by a list of inventory of items to be included in the sale.

After termination of the sale, the person or persons to whom the license was granted shall not continue the business under the same or a different name, at the sale location or elsewhere in the same municipality, contrary to the designation of such sale.

This license includes businesses advertising "closing out sale," "entire stock must go," "going out of business sale," "must sell to the bare walls," or other such designation which states directly or by implication the intent of such person or persons to dispose of the entire stock of business goods.

- (13) Junkyards, automobile graveyards and automobile recycling businesses.
- a. Purpose. The purpose of this subsection is to supplement the provisions of Title 30-A, Sections 3751 through 3760 as they may be amended from time to time, and to exercise the municipality's home rule and police power in relation to accumulations of vehicles and junk. If any provision of this subsection is inconsistent with any of the provisions in Title 30-A Sections 3751 through 3760, the stricter provisions shall apply.
  - b. Authority. This section is authorized by Title 30-A, Section 3001 and 3755.
  - c. Definitions.
    1. Automobile graveyard means a yard, field or other area used to store three (3) or more unserviceable, discarded, worn-out or junk motor vehicles and any related motor vehicles regardless of whether or not they are unserviceable, discarded, worn-out or junk.
    2. Junkyard means a yard, field, or other area used to store:
      - i. Discarded, worn-out or junk plumbing, heating supplies, household appliances or furniture;
      - ii. Discarded and scrap or junk and junk lumber;

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- iii. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous metal;
  - iv. Garbage dumps, waste dumps and sanitary fills;
  - v. Any related items regardless of whether or not they meet the definitions in i. through iv. above;
  - vi. Nothing in this subsection shall be interpreted to supersede the requirements of Chapter 13, Solid Waste, in the Municipal Code of Ordinances or to permit activities prohibited by that chapter.
3. Automobile recycling business means the dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvaged vehicles.
  4. Highway means any public way or other way on which the public is permitted general access.
  5. Person means any natural person, corporation, partnership or association.
  6. Subsection means Municipal Code of Ordinances, Chapter 10, Licenses and Business Regulations, Article 2 Licenses Generally, section 10-26(13) Junkyard/Automobile graveyards.
- d. Establishment or maintenance of automobile graveyards, junkyards or automobile recycling businesses.
1. All automobile graveyards, junkyards, or automobile recycling businesses are regulated by this subsection regardless of their distance from a highway. No person may establish, operate or maintain an automobile graveyard, junkyard, or automobile recycling business in violation of this subsection or without first obtaining a non-transferable permit from the municipal officers of the Town of Brunswick. The permit expires October 1st of each year.
  2. ~~The fee for a~~An automobile graveyard or junkyard located more than one hundred (100) feet from a highway is ~~charged a permit fee, fifty dollars (\$50.00)~~, plus an ~~twenty-five dollar (\$25.00)~~ application fee and the cost of posting and publishing the required ~~notices~~. ~~The fee for a~~An automobile graveyard or junkyard located within one hundred (100) feet of any highway is ~~charged a permit fee two hundred dollars (\$200.00)~~, plus the cost of posting or publishing the required ~~notices~~. ~~The fee for a~~A recycling business ~~is charged a permit fee, is two hundred fifty dollars (\$250.00)~~, plus an annual inspection fee ~~of twenty-five dollars (\$25.00)~~ for a five-year permit, plus the cost of posting and publishing the required notices. Fees are charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.
  3. The person seeking a permit shall complete an application on a form provided by the town. The application shall include:

- i. The name and address (mailing and physical) of the person establishing, operating or maintaining the activity for which a permit is sought, and the address (mailing and physical) of the activity.
  - ii. Whether the activity sought is an automobile graveyard, junkyard, or automobile recycling business.
  - iii. A sketch plan drawn on a scale not to exceed one (1) inch equals one hundred (100) feet showing the boundary lines of the property and any residences or wells within the boundaries of the site plan or within one hundred (100) feet of the site's boundaries.
  - iv. A statement of the standards within this subsection and state law with space for the person to make a brief statement of compliance with the standards.
  - v. Such other information as the municipal officers or their designee requires to enable the municipal officers to make an informal decision on the permit request.
- e. Standards. No permit shall be issued for an automobile graveyard, junkyard, or automobile recycling business unless the municipal officers of the Town of Brunswick find the following standards have been met:
1. The automobile graveyard, junkyard, or recycling business must be enclosed by a visual screen at least six (6) feet high and built in accordance with rules adopted by the Maine Department of Transportation in pursuant to Title 30-A, Section 3759.
  2. No vehicle, machine or equipment with an intact engine or motor may be stored within one hundred (100) feet of any body of water or freshwater or coastal wet land in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
  3. No vehicle, machine or equipment may be dismantled or stored within five hundred (500) feet of a school, church, cemetery, or public playground or park in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
  4. No vehicle, machine or equipment may be dismantled or stored over a sand and gravel aquifer or aquifer recharge area in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
  5. No vehicle, machine or equipment containing fluids may be dismantled or stored within the 100-year floodplain in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
  6. No vehicle, machine or equipment may be dismantled or stored in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection within one hundred

(100) feet of a well that serves as a public or private water supply, excluding a private well which serves only the automobile graveyard, junkyard or automobile recycling business or the owner or operators abutting residence.

7. The yard, field or other area used for the automobile graveyard, junkyard, or automobile recycling business is owned by fee title without any encumbrances. In the alternative, the person may present notarized, written permission for the establishment, operation or maintenance of the automobile graveyard, junkyard or recycling business from the person owning the encumbrances.
  8. No vehicle, machine, equipment or junkyard junk may be located, stored or dismantled closer than twenty (20) feet from any lot line unless the person has notarized written permission from the abutting property owner.
  9. The following standards must be performed when dismantling any vehicle, machine or equipment:
    - i. The battery must be removed.
    - ii. Engine lubricant, transmission fluid, brake fluid and engine coolant must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal or state laws, rules or regulations.
    - iii. Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground. The person establishing, operating or maintaining the automobile graveyard, junkyard or automobile recycling business must comply with all applicable federal or state laws related to hazardous material must be complied with.
  10. Before a permit is issued, the municipal officers designee shall inspect the premises and issue a report to the municipal officers regarding compliance with this subsection and any other applicable local, state or federal laws, ordinances, rules and regulations. No permit shall be issued if the person seeking the permit refuses to grant permission for this inspection.
- f. Severability. If any part or parts, sentence, clause or phrase of this subsection is declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this ordinance or any rules or regulations promulgated hereunder.
  - g. Effective date. This subsection shall become effective thirty (30) days after enactment by the Brunswick Town Council pursuant to Section 211 of the Brunswick Town Charter.
  - h. Enforcement and penalty. The Brunswick Town Council or its designee shall enforce the provisions of this subsection. A violation of any provision of this subsection shall be a civil violation, and a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~not exceeding two thousand five hundred dollars (\$2,500.00)~~ shall be imposed, which shall accrue to the benefit of the Town of Brunswick. Each day that a violation continues will be treated as a separate offense.

The Brunswick Town Council or its designee may also seek injunctive relief, where appropriate, and may seek attorneys fees and costs for prosecution of violations of this section. The Brunswick Town Council may also revoke or suspend the permit after notice and hearing.

(14) Sales or exhibits by non-profit organizations on public places.

- a. Definitions.
  1. Nonprofit corporation. An entity that is organized, conducted and is in good standing as a nonprofit corporation in the State of Maine.
  2. Public place. Any sidewalk, street, the Lower Mall, or property owned by the Town of Brunswick, except as otherwise specified in Chapter 14, Section 14-124.
- b. The town council may, upon making the findings in subsection c, grant a license to non-profit corporations for sales or exhibits on public places.
- c. In determining whether or not to issue a license, the town council shall affirmatively find the following:
  1. That the applicant is a non-profit corporation.
  2. That the sales or exhibit can be conducted in the proposed location in a manner which;
    - (i) will not unreasonably interfere with public use and enjoyment of the public place;
    - (ii) will not unreasonably interfere with free passage in the public place or interfere with vehicular or pedestrian access to private property;
    - (iii) will not cause a public safety concern by distracting persons operating motor vehicle;
    - (iv) to the extent the sale or exhibit is partially on private property is with written permission from the owner.
- d. The license may be for a single day or up to three (3) days. Fees are charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. The fee for a single day is five hundred dollars (\$500.00) and for up to three (3) days is one thousand two hundred dollars (\$1,200.00). At the request of the applicant, the Council may waive any portion of the fee, except for an twenty-five dollar (\$25.00) application fee.
- e. The application for a license shall be on a form provided by the town clerk. The applicant shall be required to furnish the following information in and such other information as the clerk finds necessary to process the application:
  1. The name of the applicant with contact information and name of the applicant's registered agent.
  2. The proposed location of the sale or exhibit.
  3. The proposed hours of the sale or exhibit.

4. A copy of the applicant's article of incorporation, bylaws and a certificate of good standing.
5. A description of the sale or exhibit.
6. A sketch demonstrating that the sale or exhibit can be conducted in conformance with subsection (c)(2).
7. If the sale or event is proposed to be conducted partially on private property, written permission from the owner of that property.
8. A written statement from the chief of police or his or her designee that the provisions of subsection (c)(2) can be met.

After approval by the town council, the license shall be obtained from the town clerk.

f. Indemnification and insurance.

1. The licensee shall execute a document agreeing to defend, indemnify and hold harmless the town and its officers, officials and employees in their public and individual capacities, from and against any expense or liability in any way arising out of or connected to activity under the license.
2. The council may, in its discretion, as a further condition of the license, require the licensee to provide proof of insurance satisfactory to the town manager in appropriate amounts with respect to the risks referred to in subsection f.(1) above.

g. Conditions. The town council may place such conditions on the license as it deems appropriate to meet the provisions of this subsection.

(15) Alcohol license applications. A fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, of twenty five dollars (\$25.00) will be assessed to any full time alcohol license application requiring the approval of the Town Council or their designee.

(Ord. of 5-4-87, § 101; Mo. of 12-4-89; Mo. of 3-5-90; Mo. of 6-3-91; Ord. of 6-17-91; Mo. of 6-1-92; Ord. of 2-3-97; Ord. of 10-20-97; Emergency/Regular Ord. of 5-20-02; Ord. of 2-18-03(1); Ord. of 1-10-05; Ord. of 6-15-05; Ord. of 3-23-06; Ord. of 10-5-06(1); Ord. of 11-1-06(2) ; Ord. of 5-19-08; Ord. of 2-2-09; Ord. of 3-23-09(1))

▲ Sec. 10-28. - Penalties. ▲

▲ The following penalties apply to this article: ▲

- (1) Violation. A person or an organization who violates any of the provisions of this article shall be punished by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, of not more than two hundred fifty dollars (\$250.00).
- (2) False information. A person who gives false information in obtaining a license under this article shall be punished by a fine in accordance with the Master Schedule of

Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, of not more than two hundred fifty dollars (\$250.00).

(Ord. of 5-4-87, § 103; Mo. of 6-1-92)

Sec. 10-46. - License required.

A person shall not engage in the business of collecting or transporting sewage within the boundaries of Brunswick without first obtaining a license from the town clerk. A person shall not engage in the business of collecting or transporting solid waste within the boundaries of Brunswick without first obtaining a license as described in Chapter 13 of this Code. Before a license to collect or transport sewage may be issued, the public works director shall inspect each disposal vehicle to be used which must be leak-proof and spill-proof. An application fee ~~of twenty five dollars (\$25.00)~~ shall be paid for the initial inspection of any vehicle covered under this ordinance. Upon approval by the public works director and payment of a fee ~~of seventy five dollars (\$75.00)~~ per vehicle, per year, the town clerk shall issue the license to the applicant. If the license is issued between July 1 and December 31, the fee shall be ~~thirty eight dollars (\$38.00)~~ per vehicle. Fees shall be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

(Ord. of 2-6-89, § 401; Ord. of 11-6-89, § 401; Mo. of 6-1-92; Ord. of 3-1-93; Ord. of 11-1-06(2))

Sec. 10-49. - Penalty.

A person who violates this article shall be punished by a fine ~~of not more than five hundred dollars (\$500.00)~~ for the first offense, and by a fine ~~of not more than one thousand dollars (\$1,000.00)~~ for the second and each subsequent offense committed within a twelve-month period of time, in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. In any case, the court shall also order the violator to reimburse the town for the cost of abating any damage caused by the violation. The employer of any person who violates this article within the scope of their employment is subject to the same penalties and charges as are outlined in this section.

(Ord. of 2-6-89, § 802; Mo. of 6-1-92; Ord. of 3-1-93)

Sec. 10-73. - Permit fee.

The fee for a special amusement permit is charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~one hundred dollars (\$100.00)~~. This fee includes an ~~twenty five dollar (\$25.00)~~ application fee which is nonrefundable if the application for the permit is denied.

(Ord. of 6-5-78, § 206; Ord. of 5-5-87, § 206; Mo. of 6-1-92; Ord. of 11-1-06(2))

Sec. 10-77. - Penalty.

▲ A person who violates any of the provisions of this article shall be punished by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~of not more than five hundred dollars (\$500.00).~~

(Ord. of 6-5-78, § 301; Ord. of 5-5-87, § 301; Mo. of 6-1-92)

▲ Sec. 10-99. - Issuance of licenses. ▲

▲ The town clerk shall issue to the owner of the horse-drawn carriage or taxicab, provided he shall comply with the further conditions of this article, a license for its operation upon the payment of an annual license fee ~~of sixty five dollars (\$65.00) per year~~ for each horse-drawn carriage or taxicab. If the license is issued between October 1 and March 31, the fee shall be ~~thirty three dollars (\$33.00) per vehicle at a reduced rate.~~ Fees are charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. All licenses issued under this article shall continue in force until the first day of the following April.

(Ord. of 8-15-88, § 4; Mo. of 6-1-92; Ord. of 2-5-96; Ord. of 11-1-06(2))

▲ Sec. 10-108. - Penalty. ▲

▲ Any person convicted of a violation of this article shall be guilty of a civil offense and shall be punished by a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~of not more than two hundred and fifty dollars (\$250.00).~~

(Ord. of 8-15-88, § 9; Mo. of 6-1-92; Ord. of 2-5-96)

▲ Sec. 11-13. - Boat storage. ▲

▲ No boat, vessel, raft, barge, or other watercraft shall be stored overnight in or on any navigable waters within the town without being licensed or permitted to do so. A person found in violation will be subjected to the cost of removing the vessel, boat, raft, barge, or watercraft and be fined in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~one hundred and fifty dollars (\$150.00).~~

(Ord. of 2-23-15(1))

▲ Sec. 11-136. - Fees. ▲

▲ The applicant for a license under this chapter shall pay a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

as follows:

- ~~(1) Resident commercial shellfish license, three hundred dollars (\$300.00).~~

- ~~(2) Nonresident commercial shellfish license, four hundred fifty dollars (\$450.00).~~
- ~~(3) Resident recreational shellfish license, twenty five dollars (\$25.00) over age sixty two (62), free.~~
- ~~(4) Nonresident recreational shellfish license, fifty dollars (\$50.00) over age sixty two (62), free.~~
- ~~(5) Resident student shellfish license, seventy five dollars (\$75.00).~~
- ~~(6) Nonresident student shellfish license, one hundred twenty five dollars (\$125.00).~~
- ~~(7) Bushel license, one hundred seventy five dollars (\$175.00).~~

(Ord. of 3-6-89, § 305; Ord. of 2-5-90, § 305; Ord. of 3-4-91; Ord. of 2-18-92; Ord. of 4-5-93; Ord. of 2-22-94; Emergency Ord. of 1-13-97; Emergency Ord. of 2-3-97; Ord. of 2-3-97; Ord. of 3-16-99; Ord. of 1-18-00(1); Ord. of 6-5-00(1); Ord. of 2-6-01(1); Ord. of 4-7-08(1); Ord. of 12-7-09; Ord. of 4-1-13)

Sec. 11.5-36. - ~~Issuance of e~~Citations.

(a) Issuance of citations: If the violation has not been corrected within the period established in a notice issued by the enforcement official, as an alternative to initiating a civil proceeding pursuant to Section 11.5-35, the enforcement official may issue a citation to the violator.

~~(Ord. of 7-7-08, § 6)~~

~~Sec. 11.5-37. - Contents of citation.~~

(b) Contents of citation: The citation shall be in writing, describe the nature of the violation, including the ordinance section violated, state the date by which the violation must be corrected, that a civil penalty ~~of one hundred dollars (\$100.00)~~ is imposed for the violation in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, the date by which the penalty must be paid and to whom and the consequences of failing to pay the penalty within the period stated. The time period allowed by the enforcement official within which the violation must be corrected shall be reasonable and shall take into consideration any notice period previously given to the violator, the nature of the violation to be corrected and the time which the enforcement official estimates will be reasonably required to correct the violation. The citation shall state the penalties which may be imposed if the violation is not corrected within the time period set forth in the first citation and shall also state the penalties which may be imposed if any additional citation must be issued for the same violation. The citation shall also state that all additional penalties are cumulative.

~~(Ord. of 7-7-08, § 7)~~

~~Sec. 11.5-38. - Service of citation.~~

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(c) Service of citation: A citation may be served upon the violator by giving the citation to the violator in hand, by leaving it with a person of suitable age and discretion at the residence or place of business of the violator or mailed by certified mail, return receipt requested, to the violator's last known address. If the return receipt is not returned, the citation shall be conclusively presumed to have been served if it is also sent by regular mail postage prepaid, which has not been returned as undeliverable by the postal service.

(Ord. of 7-7-08, § 68)

Sec. 11.5-37. - Time limits for corrective action.

The time period specified in a citation within which a violation must be corrected shall be reasonable in consideration of:

- (1) The threat posed by such violation to the health, safety and welfare of the public;
- (2) The nature of the work required to correct the violation; and
- (3) Any notice period given to the violator in a previous citation for the same violation or pursuant to Section 11.5-34.

(Ord. of 7-7-08, § 7)

Sec. 11.5-38. - Penalty.

The ~~following~~ civil penalty shall be imposed upon the issuance of a citation in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

~~First citation: \$100.00~~

~~Second citation: \$200.00~~

~~Third citation: \$400.00~~

~~Fourth and subsequent citations: \$800.00~~

Civil penalties imposed are cumulative.

(Ord. of 7-7-08, § 8)

Sec. 11.5-39. - Further violations.

If the violation has not been corrected within the time specified in the first citation, the enforcement official may issue a second citation. The second citation shall contain the same information set forth in the first citation regarding the nature of the violation but may do so by reference to the first citation. It shall also state that, in addition to the ~~one hundred dollars (\$100.00)~~ civil penalty imposed for the first citation, a civil penalty ~~of two hundred dollars (\$200.00)~~ has been imposed for the second citation. The second citation shall also state that the continued failure to correct the violation may result in the issuance of further citations and shall

indicate the penalties provided for the issuance of subsequent citations. The time limits specified for correcting the violation may be the same as that allowed in the first citation or may be altered if there has been a change in circumstances. The same procedure shall be followed with regard to the issuance of subsequent citations, with additional penalties as set forth in Section 11.5-38.

(Ord. of 7-7-08, § 9)

▲ Sec. 11.5-40. - Penalty for nonpayment of penalty; collection proceedings. ▲

▲ All civil penalties imposed by citation shall be due within five (5) days after the date by which the violation was ordered to be corrected. All civil penalties not paid when due shall bear interest at the rate of eighteen (18) percent per annum. The failure to pay when due any civil penalty imposed pursuant to this Article for violation of any ordinances shall itself constitute a violation of such law, ordinance or rule for which the violator shall be liable for the penalties as and to the extent provided for in 30-A M.R.S.A. § 4452(3). The enforcement official or city attorney may initiate appropriate proceedings to collect any civil penalty which is not timely paid together with all interest thereon. Such legal action may include proceedings pursuant to 30-A M.R.S.A. § 4452.

(Ord. of 7-7-08, § 10)

▲ Sec. 11.5-41. - Repeat violations. ▲

▲ If a violator has been previously served with a notice of violation with regard to a specific violation, he shall not be entitled to receive any further notice of the same violation if it is repeated. If the enforcement official determines that a violator has repeated the same violation, he may proceed in accordance with Sections 11.5-35 and 11.5-36 of this Article without further notice.

(Ord. of 7-7-08, § 11)

▲ Sec. 11.5-72. - Civil penalty. ▲

▲ Any person who is found to be in violation of any provision of this Article shall be subject to a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. ~~of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).~~ Each violation of a separate provision of this Article, and each day of violation, shall constitute separate offenses. In addition, if the town is the prevailing party in an enforcement action, said person shall also be liable for all reasonable expenses incurred by the town in the enforcement of this Article, including but not limited to staff time, attorney's fees, and costs. All civil penalties shall inure to the benefit of the Town of Brunswick.

(Ord. of 10-20-08(1), § 12)

▲ Sec. 12.5-7. - Penalty. ▲

Any person, firm, corporation, association or other entity violating the provisions of this chapter shall be subject to a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances of up to \$2500.00. Each day a violation is allowed to continue shall be a separate offense. Any civil penalty assessed shall be recovered for the use of the town.

(Ord. of 8-15-94, § VII; Ord. of 9-7-99, § VII)

Sec. 13-30. - Collection of household refuse by town.

- (a) Effective January 1, 2007 all household refuse, in order to be collected by the town, must be placed in tightly sealed town approved plastic bags. All refuse is to be placed curbside for municipal collection not earlier than 4:00 p.m. the day before nor no later than the hour of pickup of the day of collection established by the public works director. Placing or allowing refuse to remain curbside at any other times is a violation of this chapter, subject to the remedies and penalties provided in subsection (h) below. Rubbish shall be collected weekly, insofar as is possible. It is the responsibility of the resident that solid waste placed curbside must be inaccessible to dogs, rodents and scavengers. The resident may place refuse contained in town-approved plastic bags within other containers not exceeding a capacity of thirty-three (33) gallons. A refuse container which does not meet the requirements of this chapter (i.e. non town approved trash bags, paper bags, cardboard boxes, container without handles, etc.) or which weighs more than forty (40) pounds when filled, will not be collected by the town.
- (b) A vote of the town council shall determine the price and size of the approved plastic bags. The bags will initially be fifty cents (\$0.50) per 15-gallon bag and one dollar (\$1.00) per 33-gallon bag upon enactment of this ordinance. Prices will be in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.
- (c) The town requires all residents to minimize their refuse through recycling and the maximum amount of household refuse which will be collected per residential unit is the equivalent of four (4), thirty-two (32) gallon bags of household refuse per week. The maximum limit may be waived by the public works director due to holidays, make up collections, and other similar instances.
- (d) Wood and coal ash shall not be placed curbside for collection but should be taken to the disposal area.
- (e) No yard and garden refuse, leaves or brush will be collected with the regular refuse collection.
- (f) Used motor oil, antifreeze, paint or other toxic liquids shall not be placed curbside for collection. These materials shall be disposed of in accordance with rules established by the public works department.
- (g) It shall be the duty of the owner of every residential property occupied or intended to be occupied to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

- (h) Any owner, resident or person placing household refuse in violation of subsection (a) above shall be liable for violations of this chapter. Any owner or person placing household refuse in violation of subsection (a) above shall cause the household refuse to be removed within twenty-four (24) hours of the issuance of an order to remove by the chief of police, the codes enforcement officer or the duly authorized representative of either. Such order may be oral or written and shall be given to those persons who have registered their ownership or management interest in the property as required by Chapter 8, Article III of this Code and any person placing household refuse in violation of subsection (a) above. An oral order shall be memorialized by a letter stating the date and time of the oral order and to whom it was given. Failure to remove such refuse within twenty-four (24) hours of the issuance of an order shall constitute a violation of this chapter. In the event of such failure to remove or in the event that the codes enforcement officer has received no registration of the ownership or management interest in the property abutting the area where the household refuse has been placed, the chief of police, the codes enforcement officer or the duly authorized representative of either shall arrange to have the waste material removed and provide written notice of such removal to the owner of record of the property, who shall be responsible for the costs for collecting the household refuse.
- (i) After the issuance of one (1) order to remove and one (1) written notice of removal given under subsection (h) above during any twelve-month period, the fee for collecting all the household refuse which was not removed in compliance with subsection (h) shall be in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~one hundred dollars (\$100.00)~~ for up to one (1) cubic yard of refuse collected. If the refuse collected exceeds one (1) cubic yard, the fee shall ~~be one hundred dollars (\$100.00)~~ plus be increased by the cost per cubic yard to collect and dispose of the waste at an approved facility. Such collection and disposal fees shall thereafter be charged each time the town removes waste material deposited in violation of this chapter, without the need for additional order or notice under subsection (h).
- (j) At the inception of the program, there will be up to thirty (30) free 15-gallon bags provided on a one (1) time basis to each residence.

(Ord. of 3-1-93; Ord. of 5-1-00(2); Ord. of 1-1-07)

Sec. 13-40. - Commercial waste collectors.

- (a) No commercial waste collector shall collect, haul, transport, recycle or dispose of solid waste generated within the boundaries of the municipality without first obtaining an annual license.
- (b) Any person wishing to obtain a commercial waste collector license shall complete an application and submit a ~~twenty five dollar (\$25.00)~~ nonrefundable application fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. The application shall be submitted on a form provided by the public works director and at a minimum contain the following information:
- (1) Applicant's name.
  - (2) Applicant's residence.

- (3) Address of the applicant's place of business.
  - (4) If the applicant is a corporation, the names and addresses of each of its directors and officers.
  - (5) A description of the vehicles and equipment to be used, including the make, model, year of manufacture and license plate number of said vehicle and equipment.
  - (6) A list of real estate and/or personal property owned or used by the hauler and subject to property taxation within the Town of Brunswick.
- (c) Before the license may be issued, the public works director shall inspect each disposal vehicle to ensure that it is leak-proof and spill-proof.

(Ord. of 3-1-93)

Sec. 13-55. - Residential disposal permit.

- (a) Residents who qualify under this chapter may purchase an annual residential disposal permit (in sticker form) at the Graham Road landfill, the public works department or the municipal office. Unless a special exception is granted by the public works director, the permit shall be attached to any automobile, van, pick-up truck or utility trailer which is registered for a gross vehicle weight of not more than nine thousand (9,000) pounds. The cost of the permit shall be in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~five (\$5.00) per vehicle except during the last four (4) months of the calendar year when the cost shall be three dollars (\$3.00).~~ All permits shall expire on December 31.
- (b) The following shall qualify for residential disposal permits:
  - (1) Residents of Brunswick with at least one motor vehicle registered in the Town of Brunswick.
  - (2) Seasonal residents who own and, on a temporary or seasonal basis, reside in residential property located within the Town of Brunswick and who pay property taxes to the Town of Brunswick.
  - (3) Military personnel who reside in residential units located within the Town of Brunswick.
  - (4) Other residents not meeting criteria (1) through (3) may qualify by submitting proof of residency satisfactory to the public works director.
- (c) A residential permit shall entitle the holder to deliver acceptable waste from their own residence or from other units of the building they occupy as their personal residence, provided the building has four (4) residential units or less in Brunswick to the Graham Road Landfill in accordance with the schedule of fees in Article VI of this Chapter.
- (d) A residential permit holder shall not be entitled to deliver solid waste free of charge in a vehicle licensed for the collection or transportation of solid waste for hire.

(Ord. of 3-1-93; Ord. of 5-3-04; Ord. of 10-18-06)

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Sec. 13-72. - Graham Road Landfill.

The Graham Road Landfill is a Maine Department of Environmental Protection approved Secure Landfill located on Graham Road in Brunswick, Maine.

(a) Acceptable materials at the Graham Road Landfill.

(1) The following waste classifications are acceptable for disposal at the Graham Road Landfill:

Brown goods;

Commercial waste;

Construction and demolition material;

Household furniture;

Household refuse;

Municipal waste;

Scrap metal;

Tires; No tires will be accepted unless they are separated from their rims.

White goods;

Waste wood;

Trees and brush; Masonry.

(b) Graham Road Landfill disposal fees. All users of the Graham Road Landfill are subject to the following fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, schedule with the exceptions noted for those holding valid residential permits and vehicles operated by the town.

~~(1) Acceptable waste (with the exception of individual items noted below on this schedule of fees):~~

~~a. Residential waste delivered to the landfill by a resident who possesses a valid residential disposal permit shall be subject to the following fees and conditions:~~

~~Household refuse (per ton) .....\$80.00~~

~~Minimum charge shall be five dollars (\$5.00)~~

~~White goods and scrap metal (per ton) .....\$60.00~~

~~Minimum charge shall be three dollars (\$3.00)~~

~~Construction & demolition debris, brown goods, & household furniture (per ton) .....\$80.00~~

~~Minimum charge shall be five dollars (\$5.00)~~

~~Asphalt shingles (per ton) .....\$60.00~~

~~Minimum charge of three dollars (\$3.00)~~

~~Masonry (per ton) .....\$60.00~~

~~Minimum charge of three dollars (\$3.00)~~

~~Waste wood and wood items (per ton) .....\$60.00~~

~~Minimum charge of three dollars (\$3.00)~~

~~Tree and brush waste (for resident) .....No Charge~~

~~b. Commercial waste fees:~~

~~Disposal fee (per ton) .....\$80.00~~

~~The minimum charge per load shall be five dollars (\$5.00)~~

~~Asphalt shingles (per ton) .....\$60.00~~

~~Minimum charge of three dollars (\$3.00)~~

~~Masonry (per ton) .....\$60.00~~

~~Minimum charge of three dollars (\$3.00)~~

~~Waste wood and wood items (per ton) .....\$60.00~~

~~Minimum charge of three dollars (\$3.00)~~

~~Tree and brush waste (per ton) .....\$30.00~~

~~Minimum charge of three dollars (\$3.00)~~

~~(2) Tires. All tires disposed of at the landfill are subject to the following fees. No tires will be accepted unless they are separated from their rims:~~

~~Up to but not including eighteen (18) inch rim size (each) .....\$2.00~~

~~Truck tire, eighteen (18) inch rim diameter or greater (each) .....\$10.00~~

~~Heavy equipment tire (Twenty five dollar (\$25.00) minimum charge—Per pound) .....\$0.15~~

~~(3) White goods and scrap metal (per ton) .....\$60.00~~

~~Minimum charge of three dollars (\$3.00)~~

~~(4) Inseparable wood waste or masonry debris (per ton) .....\$160.00~~

~~(c5)~~ Refuse which contains wood waste or masonry material deemed by the public works director as inseparable will be accepted at the Graham Road Landfill provided the person depositing such material has first obtained a permit from the department of public works.

~~(d6)~~ The town council may contractually reduce the fees in this section as part of a contract the town executes to provide curbside residential rubbish collection funded through the town's annual budget.

(Ord. of 3-1-93; Ord. of 5-3-04; Ord. of 10-18-06; Ord. of 5-18-15(1))

Sec. 13-97. - Penalty.

A person who violates this chapter shall be punished by a civil penalty ~~of not more than five hundred dollars (\$500.00)~~ for the first offense, and by a civil penalty ~~of not more than one thousand dollars (\$1,000.00)~~ for the second and each subsequent offense committed within a twelve-month period of time, plus cost and attorneys fees for each civil penalty, in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. In any case, the court shall also order the violator to reimburse the town for the cost of abating any damage caused by the violation. The employer of any person who violates this chapter within the scope of their employment is subject to the same penalties and charges as are outlined in this section. Serious or habitual offenders of the regulations within this chapter pertaining to the Town Graham Road Landfill may be prohibited from using these facilities.

(Ord. of 3-1-93; Ord. of 10-18-06)

Sec. 14-2. - Unreasonable noise on public ways—Creation of certain noise upon public rights-of-way.

~~(a) Purpose.~~ The Brunswick Town Council finds that excessive noise on the public ways may cause distraction to other drivers and preclude the safe operation of motor vehicles to the detriment of the health, welfare and safety of the Brunswick's citizens. Accordingly, it is the policy of the Town of Brunswick to prohibit unnecessary, excessive, annoying and distracting noise on public right[s]-of-way within the Town of Brunswick.

(b) Definitions. For the purpose of this section, the following words and phrases shall have the following meanings:

"Motorcycle" means an unenclosed motor vehicle, having a saddle for the use of the operator, with two (2) or three (3) wheels in contact with the ground, including, but not limited to, motor-scooters and mini-bikes.

"Noise-creating devices" means any electrical, mechanical or chemical device or instrument, or combination thereof that creates noise during its operation by a person.

"Operation" means actual control by a person.

"Public right-of-way" means any street, roadway, alley, sidewalk, or other area deeded or dedicated for public travel or transportation purposes.

"Straight pipe exhaust system" means any straight through muffler that does not contain baffles, including, but not limited to, glass packs, steel packs and straight pipes.

"Town" means the Town of Brunswick, Maine.

- (c) Creation of certain noises upon public right-of-way prohibited.
- (1) No person, while occupying any public right-of-way in the town, shall emit any noise or operate any noise-creating device in such a manner that the public's attention is drawn to the source of the noise.
  - (2) The prohibition of this section shall include, but not be limited to, the following activity or conduct:
    - a. Discharging fireworks or any exploding device;
    - b. Firing a starter pistol, air gun, BB gun or a firearm;
    - c. Sounding a bell or whistle for so extended a period of time as to cause annoyance to others;
    - d. Rapid throttle advance and/or revving of an internal combustion engine resulting in increased noise from the engine;
    - e. Operations of motor vehicle, as defined in 29-A M.R.S.A. § 101(42), including but not limited to a motorcycle, with a straight pipe exhaust system, an exhaust system with a cutout, bypass or similar device or an exhaust system that does not meet the requirements of Maine law, including, but not limited to, 29-A M.R.S.A. § 1912.
- (d) Exceptions. The provisions of this section shall not apply to the following activity or conduct:
- (1) Expression or communication protected by the United State Constitution, including the First Amendment, or the Maine Constitution.
  - (2) Any activity or conduct the regulation of which has been preempted by Maine Statute.
  - (3) Any noise created by a governmental entity in the performance of an official duty.
  - (4) Any noise for which a permit has been issued by an authority having jurisdiction to issue the permit.
  - (5) The sounding of any signaling device permitted by law.
  - (6) A noise emitted to warn a person or persons of danger.
  - (7) Unamplified vocal or instrumental music between 7:00 a.m. and 10:00 p.m.
- (e) Engine brake. A person operating a motor vehicle in the Town of Brunswick shall not use an unmuffled engine brake to slow the vehicle except in an emergency situation for the purpose of avoiding a collision with a vehicle, object, person or animal. As used in this section, "engine brake" means a device that retards the motion of a motor vehicle by using the compression of the engine of the motor vehicle and "unmuffled" means that the engine brake is not equipped with a muffler that complies with the requirements of 29-A M.R.S.A. §

1912. This section does not apply to emergency response vehicles operated by a governmental entity or licensed provider of emergency medical services.

- (f) Penalties. Violation of this section is a civil violation punishable by ~~the following~~ civil penalties in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances;

~~First and second offense: \$100.00~~

~~Third and subsequent offenses: \$500.00~~

A person may avoid the court process by executing a consent agreement with the police chief or the police chief's designee, the terms of which shall include, but not be limited to, an admission of the violation and provisions for the payment of civil penalties to the Treasurer of the Town of Brunswick.

- (g) Enforcement. This section may be enforced by any Town of Brunswick Police Officer.

(Ord. of 4-20-87, § 102; Ord. of 8-5-05)

Sec. 14-7. - Penalty.

A person who violates any of the provisions of sections 14-1 through 14-7 shall be punished by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.

~~of not more than one hundred dollars (\$100.00).~~

(Ord. of 4-20-87, § 108)

Sec. 14-32. - Penalties.

The Code Enforcement Officer shall give a property owner who violates any of the provisions of this code a written notice of violation, which shall include the action necessary to correct the violation, and allow two weeks for correction before enforcement under this section.

A person who violates any of the provisions of this code shall be punished by a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. ~~of not less than twenty five dollars (\$25.00) and not more than one hundred dollars (\$100.00).~~

This code shall be enforced by the Code Enforcement Officer.

(Ord. of 5-21-01)

Sec. 14-73. - Fee schedule.

An application fee ~~of one hundred dollars (\$100.00)~~ shall be paid for the issuance of an excavation permit in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. If the excavation work is approved by the public works director to take place between November 1 and March 15 of the following year,

or the excavation work is approved to take place within the five-year moratorium period from when the street was most recently resurfaced, the application fee will be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~is five hundred dollars (\$500.00)~~. A separate application is required for each utility excavation. Where the excavation work obstructs the public way a separate Obstruction Permit as detailed in this chapter, section 14-82, is required before the start of any work relating to this excavation permit. In addition to the application fee, an inspection fee ~~of fifty dollars (\$50.00)~~ per application is required in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances. Where the excavation permit involves a utility line replacement or installation in excess of fifty (50) feet then the inspection fee is computed ~~as one dollar (\$1.00)~~ per foot for open cut trench work or ~~fifty cents (\$0.50) per foot~~ for directional drilling, times the estimated utility line length as determined by the public works director. The following charges, in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, which are hereby established as being not in excess of the reasonable cost of replacement of the openings in the public way by the public works department, and must be paid by the permittee if the public works director determines the restoration of the excavation is to be done by public works crews:

Excavation Charges per Square Yard	Up to 25 Sq. Yds.	Over 25 Sq. Yds.
<del>Bituminous concrete 4" or more in depth</del>	\$45.00	\$35.00
<del>Bituminous concrete less than 4" in depth</del>	40.00	30.00
<del>Bituminous concrete over portland cement concrete</del>	50.00	40.00
<del>Bituminous treated surface or shoulder</del>	40.00	30.00
<del>Plain gravel surface</del>	10.00	10.00
<del>Bituminous concrete sidewalk</del>	40.00	30.00
<del>Portland cement concrete sidewalk</del>	35.00	33.00
<del>Grass esplanade or median strip</del>	20.00	20.00
<del>Bituminous concrete curbing</del>	15.00 per linear foot	
<del>Granite curbing— Removal or realignment</del>	30.00 per linear foot	

~~Granite curbing—Installation of new material~~

45.00 per linear foot

(Ord. of 8-5-85, § 3; Ord. of 5-18-15(2))

**Sec. 14-80. - Violation and penalty.**

A person or organization which violates this article shall be punished for each offense by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~of not more than one hundred dollars (\$100.00)~~, plus the cost of any applicable fees and charges for the work done which remains unpaid. No further permits shall be issued to, and no further excavation work which requires a permit shall be done by any person which violates this article until any amounts due have been paid. If a private party fails to complete within a reasonable time any work for which an excavation permit is required, the town may complete the work and charge the owner of the property for the cost of doing so.

(Ord. of 8-5-85, § 10)

**Sec. 14-151. - Penalty.**

Any person who violates this division shall forfeit a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~of not more than one hundred dollars (\$100.00)~~ for the first and second offenses and ~~not more than five hundred dollars (\$500.00)~~ for subsequent offenses.

(Ord. of 6-13-83, § 124; Ord. of 3-1-99; Ord. of 10-20-03(2))

**Note**— Formerly § 14-144

**Sec. 14-164. - Violations and penalties.**

The following violation and penalty provisions apply to this division:

- (1) Failure to obtain membership. Except as provided in section 14-162, a person seventeen (17) years of age or over who uses the recreation facilities at Coffin Pond without first obtaining a membership tag shall be punished by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~of not more than one hundred dollars (\$100.00)~~.
- (2) Transfer of membership tag. A person seventeen (17) years of age or over who transfers or attempts to transfer a membership tag to another to whom it does not belong shall be punished by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~of not more than one hundred dollars (\$100.00)~~.

- (3) Juvenile violation. A person under seventeen (17) years of age who violates either of the above subsections or aids another in so doing shall be punished by forfeiting the privilege of using the Coffin Pond recreation facilities for the remainder of the season.

(Ord. of 6-18-84, § 104)

▲ Sec. 15-8. - Parking penalty. ▲

▲ A person who parks a motor vehicle in violation of article IV, sections 15-71 and 15-73 will be subject to a penalty fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances of twenty-five dollars (\$25.00), with the exception of a resident permit holder failing to properly display their valid permit, in which case the penalty fine shall be reduced in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances to ten dollars (\$10.00).

Any person who parks a motor vehicle in violation of article IV, section 15-78 will be subject to a penalty fine as set forth in 30A M.R.S.A. § 3009, subsection 1, paragraph D. With the exception of improper or failure to display a disability parking placard which will be subject to a penalty fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances of ten dollars (\$10.00).

(Ord. of 5-2-88, § 35; Mo. of 1-7-91; Ord. of 9-16-96; Emergency/Regular Ord. of 7-21-97; Ord. of 5-1-00; Ord. of 5-31-06(2); Ord. of 1-12-13; Ord. of 12-1-14(2))

▲ Sec. 15-9. - General penalty. ▲

▲ Except as provided in sections 15-8 and 15-10, a person who violates this chapter shall be punished by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances of not more than one hundred dollars (\$100.00).

(Ord. of 5-2-88, § 36)

Sec. 15-85. - Parking violations—Towing.

- (a) Purpose. The purpose of these sections is to improve the enforcement of the Brunswick parking ordinances and to discourage habitual violators.
- (b) Definitions. The following words and terms as used in these sections shall have the meanings ascribed thereto, unless the context otherwise indicates:
- (1) Towing list means a list maintained by the police department containing the names of those wreckers approved by the town to respond to requests for the towing of vehicles made by the police department.
  - (2) Wrecker means a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or

otherwise moved from one (1) place to another by the use of a motor vehicle adapted to and designated for that purpose.

- (3) Outstanding parking ticket means any notice of violation of any parking ordinance of the Town of Brunswick where:
  - a. The owner of the offending vehicle has been finally determined to be in violation by reason of default or otherwise; and
  - b. The resultant fine or waiver charge established pursuant to 30-A M.R.S.A. §§ 3001 and 3009 has not been paid.
- (4) Waiver charges or charges means the fees a violator may pay to waive court action plus all expenses the Town of Brunswick incurs specifically enumerated in this chapter or state law to collect fees or fines, including but not limited to certified mail fees.
- (c) Towing. The Brunswick Police Department is authorized, subject to the requirements of these sections, to remove by use of a wrecker, and impound any vehicle found on any public or private way or public property, which has outstanding parking tickets with accumulated fines totalling seventy-five dollars (\$75.00) or more, and is authorized to take whatever action is reasonably necessary to carry out the provisions of these sections.
- (d) Notice to owner before towing. After a vehicle has received outstanding tickets with accumulated fines totalling seventy-five dollars (\$75.00) or more, a letter will be sent by certified mail to the vehicle's registered owner. This letter alerts the owner of the outstanding parking tickets and shall allow fourteen (14) days for payment of accumulated fines or waiver charges. After this time period has transpired without either payment in full or an arrangement acceptable to the chief of police having been made to pay the fines or waiver charges, the vehicle will be subject to tow.
- (e) Procedure for towing and impoundment. Any police officer ordering towing and impoundment of a vehicle under these sections shall, at the time of such towing and impounding, or within a reasonable time thereafter, notify the dispatcher of the storage location of the vehicle. Such information shall be recorded by the dispatcher for use by the chief of police, or his/her authorized representative. The chief of police, or his/her authorized representative shall notify the owner or operator by certified mail, return receipt requested, of the towing and impoundment of the vehicle within five (5) business days of the towing and impoundment thereof, the storage location of such vehicle, and the requirements of release as set forth in subsection (f) of this section. This section shall not apply where an impounded vehicle has been released within the five-day period.
- (f) Release of vehicles. The vehicle shall not be released until:
  - (1) The individual requesting the release presents satisfactory evidence of his/her right to possession and signs a receipt therefor; and
  - (2) The chief of police, or his/her authorized representative, certifies that all fines or waiver fees described in this chapter, including the fees for towing and impoundment have been paid; or
  - (3) Upon the certification by the chief of police, or his/her authorized representative, that the owner or operator is unable to pay accumulated fines or waiver charges by reason of

poverty, having provided satisfactory proof of such status, and that such owner or operator has accepted a summons initiating a court proceeding to determine his/her liability for the alleged violations.

- (g) Towing conditions. Once a police officer has ordered towing, one (1) of three (3) following possibilities exist:
- (1) If the towing truck is enroute to the scene but has not yet arrived, and the owner or operator has arrived, or if they arrive approximately the same time, then the owner or operator must pay the wrecker, on arrival, in the amount of one-half of the towing charge and must pay to the chief of police, or his/her authorized representative, all fines or waiver charges to effect the on-the-scene release of the vehicle.
  - (2) If the wrecker has secured the vehicle before the owner or operator arrives, the owner or operator must pay the wrecker, on arrival, all the towing charges and must pay the chief of police, or his/her authorized representative, all fines or waiver charges to effect the on-the-scene release of the vehicle.
  - (3) If the vehicle is actually towed away for impoundment, the vehicle owner or operator must pay the wrecker all towing and storage charges and must pay the chief of police, or his/her authorized representative, all fines and waiver charges, in order to gain release of the vehicle.
- (h) Interference with enforcement. It shall be a violation of these sections for any person to obstruct or attempt to prevent the removal of a vehicle as provided in these sections. The penalty for such violation shall be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code ~~of not be less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).~~
- (i) Hearings. The owner or operator of a towed and impounded vehicle may request a hearing on the applicability of these sections to the towing and impoundment. Such hearing shall be scheduled at the earliest possible date and be conducted by the captain of operations. Decisions of the captain of operations shall be appealable to the chief of police.

(Ord. of 8-21-95; Ord. of 1-12-13)

Sec. 16-29. - Penalty.

A person who violates this article shall be punished by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~of not more than one hundred dollars (\$100.00)~~ for the first offense, and ~~by a fine of not more than two hundred fifty dollars (\$250.00)~~ for the second and each subsequent offense committed within a twelve-month period of time. In any case, the court shall also order the violator to reimburse the town for the cost of abating any damage caused by the violation. The employer of any person who violates this article within the scope of their employment is subject to the same penalties and charges as are outlined in this section.

(Ord. of 2-6-89, § 802)

Sec. 16-85. - Fine.

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Any person who continues any violation beyond the time limit provided for in Division 2 of this article may be liable to the town for a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~in an amount of up to one hundred dollars (\$100.00)~~ per day until such violation is corrected or abated.

(Ord. of 7-6-93, Art. II, § 25)

Sec. 17-2. - Concealed firearms permit.

- (a) A person may obtain a permit to carry a concealed firearm from the chief of police by filing an application with him and by complying with all of the provisions of 25 M.R.S.A., §§ 2003—2006. The applicant shall also submit a filing fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~of thirty five dollars (\$35.00) in the case of an original application and a filing fee of twenty dollars (\$20.00) in the case of a renewal~~. The application fee shall cover any number of firearms involved and any permit issued. The concealed firearms permit shall be valid for four (4) years from the date of issue, unless sooner revoked for cause by the chief of police.
- (b) When the chief of police denies an application for the issuance of a permit or revokes a permit already issued for reasons listed in 25 M.R.S.A., § 2005, the person aggrieved by such action shall have a right to appeal the decision of the chief of police to the town council by filing a written request for a hearing with the town clerk within seven (7) days of such denial or revocation. The town council shall hear such appeal in executive session within thirty (30) days of the filing of the request for a hearing. Any person aggrieved by the hearing before the town council may appeal to the superior court within thirty (30) days pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(Ord. of 10-19-04)

Sec. 17-3. - Discharge of firearm near dwelling.

No person shall discharge a firearm within one hundred (100) yards of a residential dwelling without the permission of the owner or, in the owner's absence, an adult occupant of that dwelling, except in a licensed shooting gallery or at a target practice site. Any person who violates the provisions of this section shall be punished by a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances ~~of not more than one hundred dollars (\$100.00)~~ for the first offense and ~~not more than five hundred dollars (\$500.00)~~ for the second and subsequent offenses.

(Ord. of 10-19-04)

Sec. 17-5. - Target practice in any area of town.

- (a) The discharge of a firearm for the purpose of non-commercial target practice shall be allowed only under the following conditions:

- (1) The owner/renter/lessee of the property shall have obtained a one-year permit from the police department indicating that the proposed target practice site has been inspected and approved. The site must have an adequate backstop which may be:
  - a. A natural pit, gully or depression of sufficient depth and density so as to prevent the escape of any bullet or ricocheted bullet from the immediate area with consideration for the caliber of firearm being discharged; or
  - b. A manmade structure constructed of appropriate materials with sufficient height and density so as to prevent the escape of any bullet or ricocheted bullet from the immediate area with consideration for the caliber of firearm being discharged.

Target practice into the air with a shotgun must use a pellet size no greater than six (6) in an open area owned by the applicant or that the applicant utilizes with written permission and large enough for the pellets to remain within the open area after firing. Target practice with a shotgun using a pellet size greater than six (6) must comply with a. and b. above.

The police chief or designee shall inspect the proposed site within five (5) working days after receipt of an application and shall act on the application within five (5) working days of the inspection. Appropriate action is to approve the site, recommend site improvements or deny use of the site. When recommended site improvements are made, the application must be re-submitted and will be treated as a new application. If approval is denied, the applicant may appeal the decision to the town manager within five (5) working days of receipt of the denial by stating in writing the basis for the appeal. The town manager shall respond in a timely manner and base his/her decision to grant an appeal on the provisions of this section. Permits shall expire one (1) year from date of issue. A new permit will be required for continued use of the target practice site.

- (2) Hours of operation during which target practice takes place are from 8:00 a.m. to 8:00 p.m. or sunset, if earlier.
- (b) The discharge of a firearm at a commercial target practice site in any area of town shall be allowed only under the following conditions:
  - (1) The owner/renter/lessee of the property shall have obtained a target practice site permit under section 17-5(a).
  - (2) The use must be in compliance with all land use and building code requirements for recreational facilities, or the owner/renter/lessee of the property shall have obtained a special permit under section 701 of the Town of Brunswick Zoning Ordinance, and all other necessary permits must be obtained.
  - (3) Hours of operation during which commercial target practice takes place shall be from 8:00 a.m. to 8:00 p.m. or sunset, if earlier.
- (c) Any person violating this section shall be punished by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances of not more than five hundred dollars (\$500.00).

(Ord. of 10-19-04)

▲ Sec. 18-5. - Violation and enforcement. ▲

- (a) Penalty for sale violation. Any person who violates the provisions of section 18-3 shall commit a civil violation punishable by a penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, ~~of not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs for the first offense, and a penalty of not less than six hundred dollars (\$600.00) and not more than one thousand dollars (\$1,000.00) plus attorney's fees and costs for subsequent offenses~~, to be recovered by the town for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- (b) Penalty for use violation. Any person who violates the provisions of section 18-4 shall commit a civil violation punishable by a penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances, ~~of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus attorney's fees and costs for the first offense, and a penalty of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) plus attorney's fees and costs for subsequent offenses~~, to be recovered by the town for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- (c) Enforcement. This chapter shall be enforced by the town police department.
- (d) Injunction. In addition to any other remedies available at law or equity, the town, acting through its town manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this chapter.
- (e) Seizure & disposal of consumer fireworks. The town may seize consumer fireworks that the town has probable cause to believe are used or sold in violation of this chapter and shall forfeit seized consumer fireworks to the state for disposal.

(Ord. of 12-19-11)

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ITEM 115

BACK UP MATERIALS

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

S.P. 243 - L.D. 650

**An Act To Amend the Brunswick Sewer District Charter**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. P&SL 1947, c. 77, §31, sub-§1, last sentence,** as amended by P&SL 1987, c. 104, §2 and affected by §5, is further amended to read:

The total indebtedness at any time ~~shall~~ may not exceed ~~\$20,000,000~~ \$25,000,000.

**Sec. 2. Referendum; effective date.** This Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Brunswick Sewer District at an election called for that purpose and held by November 7, 2017. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:

"Do you favor changing the debt limit of the Brunswick Sewer District from \$20,000,000 to \$25,000,000?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Brunswick and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, provided the referenda are held by November 7, 2017.

**BRUNSWICK SEWER DISTRICT  
RETURN OF VOTES CAST  
November 3, 2015**

**Municipality of Brunswick**

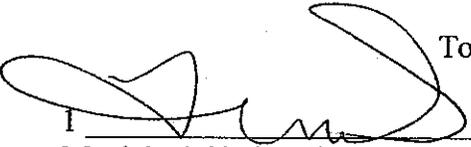
**TOWN TOTALS**

**INSTRUCTIONS TO THE MUNICIPAL CLERK:**

The MUNICIPAL CLERK must total the Voting District Returns and complete the SEWER DISTRICT TOTAL RETURN form.

Complete the attached RETURN OF VOTES CAST by recording the number of votes cast for YES and NO on the lines to the right and verify for accuracy (if no votes were cast, write "none" or "0"). Provide the total number of town ballots cast in appropriate line.

The MUNICIPAL CLERK signs on line 1 of the TOWN TOTAL RETURN.

Attested:  Total Number of Town Ballots Cast: 2486  
Municipal Clerk's Signature

\*\*\*\*\*

Sewer District Question 1	
YES	1799
NO	635
BLANK	52