SECTION 1 PURPOSE

The purpose of this ordinance is to promote and preserve the aesthetic qualities of the sidewalks of the Town of Fairfield and to promote the safety and convenience of the pedestrians using said sidewalks by regulating the placement of objects within and above the said sidewalks.

SECTION 2 AREA OF APPLICABILITY

This ordinance shall apply to the following areas:

a. Both the Easterly and Westerly sidewalks abutting Main Street between the Northerly line of the City of Waterville and the Northerly corner of the intersection of Main Street and Western Avenue, including pedestrian gateways between Main Street and Mill Street.

b. Both the Northerly and Southerly sidewalks abutting Lawrence Avenue and Bridge Street between the Easterly bound of the Maine Central Railroad right of way and the Westerly end of the most Westerly bridge leading to Benton.

c. The Northerly sidewalk abutting Summit Street between the Easterly bound of the Maine Central Railroad right of way and Main Street.

SECTION 3 EFFECTIVE DATE

This ordinance shall become effective on June 13, 2012, and shall supersede and replace any previously adopted ordinance adopted by the Town of Fairfield regulating the placement of objects within and above the sidewalks to which this Ordinance applies.

SECTION 4 VALIDITY, SEVERABILITY, AND CONFLICT WITH OTHER ORDINANCES

a. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

b. In the event that a conflict shall exist between this Ordinance and any other Ordinance of the Town of Fairfield, Statute of the State of Maine, or Rule or Regulation adopted by any Agency of the State of Maine, the more stringent provision(s) shall apply.

SECTION 5 PERMITS REQUIRED

After the effective date of this Ordinance, no person shall place, authorize to be placed, or suffer the placement of any physical object upon the surface area of or within a vertical distance of eight (8) feet above the surface of any of the sidewalks within the area subject to this ordinance without a permit issued under this Ordinance.
SECTION 6 PERMIT APPLICATIONS

Applications for annual permits shall be submitted by the person intending to place an object within or above the affected sidewalks, or by their authorized agent, upon a form to be issued by the Codes Enforcement Officer of the Town of Fairfield or such other person as may be duly designated by the Town Manager of the Town of Fairfield, and which shall include such information as may be required to determine that the applicant shall comply with the requirements of this Ordinance.

SECTION 7 REQUIREMENTS FOR ISSUANCE OF PERMIT

Any applicant for a permit under this Ordinance shall present to the person authorized to issue a permit hereunder the following information:

a. Financial Responsibility:  The applicant for the permit shall present to the person authorized to issue permits under this Ordinance, together with an agreement to indemnify and forever hold the Town of Fairfield harmless from any loss or damage, in the event that any person should be harmed in connection with the placement of any object by the applicant within the subject area, proof of general liability insurance in an amount of at least One Million Dollars ($1,000,000.00) indemnifying the Town of Fairfield from any loss in the event of any such harm.

b. Description of object intended to be placed:  The applicant shall disclose to the person authorized to issue a permit under this Ordinance an exact description of each object to be placed within the subject area, except that objects which constitute merchandise for sale may be generally described while an exact description of any tables, racks, counters or other objects displaying such objects shall be given.  In no event shall a permit be granted for the placement of any object which shall obstruct one-half (1/2) or more of the surface area of the sidewalk.

c. Duration of placement of merchandise and displays, and prohibitions:

   1. The applicant shall disclose the duration of the intended placement of merchandise and displays.

   2. Placement may not coincide with municipal parking bans; November 1 to March 31 of the following year, between the hours of 12:00 a.m. and 5:00 a.m.

   3. Placement shall not impede municipal sidewalk maintenance.

   4. Placement and objects will not be allowed to remain within the affected area beyond the business hours of the applicant on any given day.

d. Duration of placement of amenities for outdoor dining:  The applicant shall disclose the duration of the intended placement of amenities, including tables, chairs, umbrellas, etc. which may be placed between the months of May through September.  Outside of business operating hours, objects shall be neatly placed against the applicant’s building or, if possible, moved onto the applicant’s property.
e. The applicant shall be current on all real and personal property taxes owed the Town of Fairfield before a permit can be issued. Permits shall be immediately revoked by the Code Enforcement Officer for failure to pay taxes within 30 days after the date which they are due.

**SECTION 8 VIOLATION OF THIS ORDINANCE**

Any person who shall violate any of the restrictions of this Ordinance shall be liable to pay a penalty to the Town of Fairfield which shall be assessed at the rate of One Hundred Dollars ($100.00) per day for each and every day that such violation shall continue.

**SECTION 9 APPEAL**

Any person who shall deem himself aggrieved by the failure or refusal of the person authorized to issue permits under this Ordinance to issue to him a permit after the filing of a proper application may appeal the decision of such person not to issue the said permit to the Town Council of the Town of Fairfield at any time within ten (10) days of the denial of such permit by notifying the Town Manager of the Town of Fairfield, in writing, of his said appeal.

Public Hearing Date:  May 21, 1986

Adopted:  May 21, 1986

Amended:  June 13, 2012

Amended:  September 12, 2018

A True Copy

Attest:__________________________

Town Clerk

Town Seal