Town of Fairfield Public Safety Ordinance

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Amended December 14, 2011.
Amended October 10, 2012.
Amended February 13, 2013.
Amended November 12, 2014
Amended August 9, 2017
Amended December 12, 2018
Amended May 13, 2020

A True Copy

Attest: ________________________
Town Clerk

Town Seal

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ARTICLE 1
Stopping, Standing and the Parking of Vehicles on Municipal Ways.

SECTION 1 PROHIBITIONS

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places:

1. On a sidewalk, bridge or culvert, bicycle lane, bicycle and pedestrian lane, or crosswalk;
2. In front of any public or private driveway; nor within ten feet of either side of any driveway;
3. Within an intersection;
4. Within fifteen (15) feet of a fire hydrant;
5. Within twenty (20) feet of the near corner of the curbs at the intersection, unless otherwise designated;
6. Within twenty feet of the driveway entrance of any fire station and on the side of the street opposite the entrance of any fire station within seventy-five (75) feet of that entrance.
7. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
8. On the roadway side of any vehicle stopped or parked at the edge or curb of the street or double parked, so-called;
9. At any place where official signs prohibit stopping;
10. Within ten (10) feet of a railroad track;
11. On any street or highway that is the traveled portion of said street or highway;
12. On any street or highway where parking is allowed, with the vehicle facing in the opposite direction.

SECTION 2 PASSENGER AND FREIGHT LOADING ZONES

The Municipal Officers may establish passenger zones and freight loading zones and place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Ordinance are applicable.

SECTION 3 NO PARKING ZONES

The Municipal Officers may establish and then erect and maintain signs indicating that no parking is permitted on the side of said street.

SECTION 4 STANDING OR PARKING CLOSE TO THE CURB

Except when necessary in case of an accident to a vehicle or in obedience to traffic regulations or signs, the operator of a motor vehicle shall park such vehicle headed in the direction of traffic
and with curb side wheels of the vehicle within one foot of the edge of the roadway, except as provided in the following paragraphs:

1. Upon those streets which have been marked or signed for angular parking. Vehicles shall park at an angle to the curb as indicated by such marks and signs;
2. The Municipal Officers shall determine upon what streets angular parking shall be permitted and mark or sign such streets or parts of streets or cause the same to be marked or signed;
3. That portion of Main Street on the westerly side from Waterville-Fairfield town line to a point which is the southwesterly corner of the intersection of Cottage Street and Main Street shall be restricted to parallel parking only.

SECTION 5 VEHICLES NOT TO OBSTRUCT

A. It shall be unlawful for the operator of any vehicle to place the same in any street so as to prevent or obstruct the passing of other vehicles or passenger bus, and it shall be unlawful for any operator to double park a vehicle or stop the same abreast of another vehicle lengthwise or otherwise in any street at any time.

B. Large vehicles - No owner or operator, or person in charge of any vehicle which has a carrying capacity of more than three thousand pounds or which including load is more than eighteen feet in length or which including load is more than eight feet in width, or which including load is more than twelve feet six inches in height, shall permit the same to stand upon any public street in the town for longer period than two hours, except when loading and unloading.

C. No vehicle specified in Section B as large vehicles shall park within the compact or built up area for a longer period than 20 minutes and then only when loading and unloading.

SECTION 6 SPECIFIC PARKING RESTRICTIONS

A. The following street intersections are hereby declared to be hazardous areas and no vehicle shall be permitted to stop, stand, or park within twenty-five (25) feet of a point where the curb lines extended would intersect at the following street corners or intersections:
   1. Main Street and Summit Street
   2. Main Street and Military Avenue
   3. Main Street and Burrill Street
   4. Main Street and Western Avenue
   5. High Street and Robinson Street
   6. High Street and Burrill Street
   7. High Street and Elm Street (south-easterly side)
   8. High Street and Western Avenue
   9. High Street and Lawrence Avenue
   10. Western Avenue and Maple Street
   11. On the easterly side of High Street within seventy-five (75) feet of its intersection with Elm Street
B. No vehicle shall be allowed to stop, stand or park:

1. On the westerly side of Main Street from a point of Summit Street north-west intersection of Main and Summit Street, no parking or standing vehicles.
2. On the westerly side of Main Street from a point at the Northwesterly intersection of Main Street and Cottage Street to a point on Main Street just 397 feet northerly of the first mentioned point.
3. On the easterly side of Main Street from a point in the Waterville-Fairfield town line to a point 1,235.6 feet northerly from the Waterville-Fairfield town line.
4. Within twenty feet of any crosswalk at any point along the westerly side of Main Street beginning at a point in the Fairfield-Waterville town line to a point which is the south-westerly intersection of Cottage Street and Main Street.
5. Any portion of Main Street where the highway is divided into two roadways by an intervening island or physical barrier.
6. On the westerly side of Main Street from a point at the northwest corner of the intersection of the Huhtamaki, Inc. parking lot driveway and Main Street to a point where the Northerly boundary line to the Huhtamaki, Inc. property intersects the Westerly side of Main Street.
7. On the westerly side of Main Street from a point at the southwest intersection of Main Street and Western Avenue to a point on Main Street just four hundred (400) feet southerly from the first mentioned point.
8. On the easterly side of High Street from a point just opposite the Southwest intersection of High Street and Woodman Avenue to the Northeast corner of the intersection of High Street and Burrill Street.
9. On the southerly side of Water Street from the Southeast corner of the intersection of Water Street and Main Street to a point opposite the Northwest corner of the intersection of Mill Street and Water Street.
10. On the northerly side of Western Avenue from the northwest corner of the intersection of Western Avenue and Main Street to the northeast corner of the intersection of Western Avenue and Maple Street.
11. On the easterly side of Island Avenue from the intersection of Island Avenue and Bridge Street to the Main Central Railroad bridge of Island Avenue.
12. No person or persons shall park any motor vehicle beyond the area designated by the Municipal Officers so as to obstruct the view of any warning signals.
13. On the westerly side of Mill Street so called, beginning at a point where the Mill Street so called intersects with the southerly line of Bridge Street to a point on Mill Street so called just one hundred and seventy-six feet southerly from the first mentioned point.
14. It shall be unlawful for any person to park a motor vehicle in any loading zone established by the Municipal Officers except for the purpose of unloading merchandise at the place of business where such loading zone is established. Such loading zones shall be appropriately marked by signs or devices placed there at the direction of the Municipal Officers to indicate the nature of the loading zone.
15. On either side of Preble Street from the Kelley Street intersection to the Elm Street intersection while school is in session.
16. On the Westerly side of High Street from the Southwest corner of the intersection of Elm Street and High Street, South to the Northwest corner of the intersection of Kelley Street and High Street, no parking or standing vehicle.

17. It shall be unlawful for any person to park a commercial vehicle or bus on the East side of Main Street from the Southeast corner of Water Street to the Northeast corner of the South entrance of the Big Apple Store.

18. On the Westerly side of U.S. Route 201, also known as the Skowhegan Road, from the Southwest corner of the Old County Road intersection to a point 1,000 feet South of the Boulet Trucking entrance.

19. On the Easterly side of U.S. Route 201, also known as the Skowhegan Road, from the Northeast corner of the entrance to Caswell’s Warehouse, North to the Southeast corner of Brayley Avenue.

SECTION 7 PARKING NEAR THE FIRE STATION

A. Authority of the Chief. The Chief of Police or the Fire Chief or both are hereby authorized to set out, make and maintain parking signs, lines and barriers near the fire stations in accordance with other provisions of the Section.

B. Fire Personnel. Parking for fire personnel only shall be permitted in the stalls marked as “Fire Personnel”.

C. The Fire Chief is authorized to regulate parking by means of signs within 100 feet of any fire station.

SECTION 8 HANDICAPPED PARKING

No person shall park or cause to be parked any motor vehicle or motorcycle in a parking space clearly marked as a handicapped parking space, unless that vehicle or motorcycle displays a special registration license plate issued under Title 29-A M.R.S.A. Sections 521, 522 or 523, or a similar license plate or placard issued by this or any another state.

SECTION 9 DOUBLE PARKING

Double parking shall not be permitted on any street or way within the Town of Fairfield.

SECTION 10 PARKING TIME LIMITED

A. Whenever any time limit parking is imposed, except when specifically exempted, the Municipal Officers shall erect appropriate signs giving notice thereof.

B. Between the hours of nine o’clock in the forenoon and nine o’clock in the evening, Monday through Sunday in accordance with the time adopted and in effect in the town, it shall be unlawful for the operator of any vehicle to park the same for any one consecutive period of time longer than one hundred twenty minutes (2 hours) or upon the following streets or parts thereof:
1. Both sides of Main Street from Summit to the intersection of Gordon Place.
2. Both sides of Lawrence Avenue from Main Street three hundred (300) feet westerly and from Main Street to the Fairfield-Benton Bridges.
3. Both sides of Main Street southerly from the intersection of Main Street and Water Street to the intersection of Main Street and Gibson Street.
4. The westerly side of Main Street from the entrance to the Huhtamaki parking lot, to the Waterville town line shall be limited to thirty (30) consecutive minutes of parking.
5. The westerly side of Main Street from Lawrence Avenue to Summit Street shall be limited to thirty (30) consecutive minutes of parking.

C. No vehicle shall be left parked on the following streets from August 15 to June 30 of the following year.
   1. On the Northerly side of Summit Street from the intersection of West Street to the intersection of High Street.
   2. On the Northerly side of Flood & Kelley Street from the intersection of West Street to the intersection of Preble Street.
   3. On the Easterly side of West Street from the intersection of Savage Street to the intersection of Elm Street.
   4. On the Northerly side of Elm Street from the intersection of Preble Street to the intersection of West Street.

SECTION 11 MUNICIPAL PARKING LOTS

A. It shall be unlawful and a violation of this Ordinance for any person to permit any vehicle owned by or under the control of such person to remain or stand in any Municipal Parking Lot at any time unless such vehicle complies with the laws of the State of Maine made and established for the licensing of such vehicle.

B. Any police officer of the Town of Fairfield may cause an unlicensed motor vehicles found in any Municipal Parking Lot of the Town of Fairfield to be towed away at the expense of the owner of said vehicle.

C. No person shall park any vehicle in any Municipal Parking Lot in the Town of Fairfield for a period exceeding twenty-four (24) hours at any one time. For the purpose of this Ordinance, Municipal Parking Lots are hereby defined as lots of land owned and set aside by the Town of Fairfield as off-street parking areas for the parking of vehicles. Such areas are for public usage under the regulations of this Ordinance.

SECTION 12 SNOW REMOVAL

No vehicle shall park so as to interfere with or hinder the removal of snow from any street or way. The Chief of Police may cause a vehicle so parked on any street or way to be removed from the street and placed in a suitable parking space off the street, at the expense of the vehicle owner.
For the purpose of facilitating the removal of snow from the streets of the town, the Town Manager or Police Chief may cause to be placed properly marked signs along any street or streets as he or she shall from time to time deem necessary. It shall be unlawful for the operator of vehicles to enter upon, stop, or park within the space indicated by such signs.

SECTION 13 WINTER PARKING BAN

No vehicle shall be parked on any street or way of the Town from November 1 to March 31 of the following year, between the hours of 12:00 a.m. and 5:00 a.m. Any vehicle so parked may be removed or caused to be moved within the scope of the towing guidelines of the Town of Fairfield. Emergency vehicles of the Town, ambulances, doctors and police vehicles within the scope of their duty are exempted.

SECTION 14 EMERGENCY PARKING

When, in the best judgment of the Municipal Officers or the Chief of Police, an emergency exists or is about to exist because of snow, ice, hurricane, or other weather hazard, or because of a large gathering such as a fair or concert, the Municipal Officers or the Chief of Police may, notwithstanding any other provision of this Ordinance determine and designate, by proper emergency signs, streets or portions of streets, on which no stopping or parking of vehicles may be permitted and also to determine and designate, by proper emergency signs, streets, or portions of streets, on which vehicular traffic may move only in one direction.

SECTION 15 PENALTIES

A. Any person who violates a provision of the parking ordinance shall be subject to the following penalties:
   1. Overtime Parking $10.00
   2. Vehicle in Crosswalk or in Sidewalk $10.00
   3. Obstructing Traffic $10.00
   4. Obstructing Driveway $10.00
   5. Parking in Restricted Area $10.00
   6. Double Parking $10.00
   7. Parking Overnight/Winter Ban Parking $10.00
   8. Other $10.00
   9. Handicapped Parking Violation $200.00

B. If the penalty is not paid within 30 days after notice of the violation, a civil summons may be issued charging that person with the specific violation under Article IV. Upon adjudication, that person shall be punished by a fine according to Section 15, Penalties. The District Court in addition to the penalty may assess a fee not to exceed $100.00 to cover the cost to the Town for the District Court process.
C. Penalties are to be collected by the Fairfield Police Department dispatch office and handled according to the Town cash control policy. A duplicate copy of the account will be forwarded to the Town Treasurer.

SECTION 16 SCOFFLAWS

Offenders who have three or more unpaid parking tickets issued by the Fairfield Police Department under this Ordinance shall be considered scofflaws. Any vehicle of a scofflaw found to be in violation of this ordinance may be removed and stored at the owner’s expense until all fines, penalties, storage, and towing charges are paid.

SECTION 17 EMERGENCY REMOVAL

The Chief of Police or his or her designee may cause the removal, at the owner’s expense, of any motor vehicle in violation of this ordinance which is posing an immediate threat to public safety.
ARTICLE 2
Impounding Vehicles

SECTION 1 AUTHORITY TO IMPOUND

A. Members of the Police Department are authorized to cause to be removed any vehicle from a street or highway, or any public way, to the nearest garage or other place of safety, or to an area designated or maintained by the Town, in the following instances:

1. When any vehicle is left unattended upon any bridge or causeway where such vehicle constitutes an obstruction to traffic;
2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic or the person or persons in charge of the vehicle are incapacitated to such an extent as to be unable to provide for its custody or removal;
3. When any vehicle is left unattended upon any street or highway and is so parked illegally as to constitute a hazard to life or property or obstruction to the normal movement of traffic;
4. When any vehicle is left unattended upon any street or highway and is so parked as to interfere with or hinder snow removal operations by the Town;
5. When any vehicle is parked in violation of the provisions of this Ordinance, including being parked in excess of the time specified herein;
6. When a vehicle is found on a street, highway or public way within the jurisdiction of the Town, when such vehicle has three or more outstanding parking violations, and is at that place and time in violation of any provision of this Ordinance;
7. When a vehicle is left unattended, upon or adjacent to a street or highway, the owner, or person in charge of said vehicle shall remove or cause to be removed the vehicle within 24 hours. If the vehicle is not removed as required, the Police Department may have the vehicle towed at the owner’s expense.

SECTION 2 TOWING RECORDS

When a vehicle is caused to be removed by a police officer, the Police Department shall keep and maintain a record of the vehicle towed, listing its owner as reflected by the registration records, the owner’s address, the make, year of manufacture, the color of the vehicle, the registration number, the state of registration, the date and hour of the tow, the location towed from, the location towed to, the reason for the towing, and the name of the officer authorizing the tow. A copy of this notice shall be given to the operator of the vehicle conducting the towing and impounding activities and to the operator of the facility where the vehicle is to be impounded.

SECTION 3 COST

The owner of any vehicle removed from the street or highway or public way pursuant to this
Ordinance shall be responsible for all towing costs.

SECTION 4 RECLAIMING VEHICLES

A. The owner of any vehicle removed from the street or highway under this Ordinance may reclaim the vehicle by:

1. Furnishing satisfactory evidence of his identity and of his or her ownership of the vehicle to the officer in charge at the Police Department;
2. Paying the costs for the towing and storage of the vehicle;
3. Paying all outstanding fines, fees and assessments for parking violations outstanding against the vehicle at that time; and,
4. Signing a receipt for the return of the vehicle.
ARTICLE 3
Taxicab Licenses and Stands

SECTION 1 TAXICAB STANDS

The Municipal Officers are hereby authorized to establish Taxicab Stands on such streets and in such places and in such manner and numbers as shall be determined to be the greatest benefit and convenience to the public and appropriate signs shall designate every stand. Municipal Officers may also assign said stands to persons or corporations authorized to engage in the Taxicab Business in a manner for the benefit and convenience of the public. The Municipal Officers may revoke, alter, or amend any established stand or any assignment to any established stand.

SECTION 2 TAXICAB LICENSE

Taxicab means a sedan, station wagon or minivan used for hire, with a driver, which has a seating capacity of fewer than 5 persons behind the driver. This definition is found in Title 29-A M.R.S.A. Section 101 (79).

SECTION 3 LICENSE REQUIRED

No person shall own and use or operate any taxicab in the Town without a license for such purpose as provided for herein. Operate, for the purpose of this section only, shall mean: To pick up any paying fair. Nothing in this policy shall prevent Taxicabs licensed in another jurisdiction from dropping off a paying fair in the Town of Fairfield.

SECTION 4 ISSUANCE OF OWNER'S AND OPERATORS LICENSES

A. The Municipal officers shall have the authority to authorize the office of the Police Chief, or his/her designee to issue licenses to own or use a vehicle for hire within the Town and further to issue licenses to operate a taxicab within the Town. Applicants for either an owner or operator's license must file a written application with the Police Department and must pay the required fee. The Police Department, utilizing the following guidelines and standards, will issue a license, provided all of the following guidelines and standards are met:

1. Has a valid State of Maine driver's license;
2. Is at least eighteen (18) years of age;
3. For any owner, has the required vehicle registration.
4. Has a minimum of one (1) year's driving experience;
5. Has been photographed by the Town of Fairfield;

6. Has obtained an identification tag as described in Section 6 of this chapter;

7. For an owner, has current liability running for no less than one (1) year after May first of each year, and for a sum of not less than fifty thousand dollars ($50,000.00) because of bodily injury or death to any one person; in the amount of one hundred thousand dollars ($100,000.00) because of bodily injury or death of two (2) persons in any one accident; and in the amount of twenty-five thousand dollars ($25,000.00) because of injury to and destruction of property in any one (1) accident; or a one hundred twenty-five thousand dollar ($125,000) single-limit policy as provided through the assigned risk program. All liability insurance policies required under this subsection shall contain a clause requiring notification to the Town if the policy is canceled or not renewed;

8. Has not been convicted of any of the following:
   
   i. Operating under the influence of either drugs or alcohol within the previous one-year period; two (2) or more convictions for operating under the influence of either drugs or alcohol within the previous (6) six-year period;
   
   ii. A class A, B, or C crime and any sexual offense of any class as set forth in Chapter 11 of Title 17-A of M.R.S.A., within the previous (10) ten-year period; conviction of any crime of any class that involves threatening or violent behavior within a (5) five-year period;
   
   iii. More than two (2) motor vehicle violations within the past eighteen (18) months; more than four (4) motor vehicle violations within the past thirty-six (36) months;
   
   iv. Is not required to register as a sex offender.

9. Has submitted the appropriate fees at the time of application; set by the Town Council in the Town of Fairfield. Fee Schedule for each operator plus the cost of background checks for an initial license and renewals. Operators licensed in reciprocating communities will not be charged the background check fee. Fees are non-refundable.

B. If the Police Chief makes the factual determination that one (1) or more of the above guidelines and standards has or have not been met, is to issue in writing a denial of a request for a license to either own or use or to operate and will set forth the reason for refusal to issue such license. An applicant who has been denied a license shall have the right to appeal the denial of this license to a select committee designated by the chairman of the Town Council, which committee may consist of no more than three (3) members. The select committee shall act in an appellate manner and shall ascertain from the facts presented in the record compiled by the Fairfield Police Department as to whether the facts are accurate, and if accurate constitute a failure to meet one (1) or more of the guidelines or standards set forth in this section as a basis for denial of a license. An appeal from the decision of the select committee of the Town Council will then be in accordance with Rule 80B of the Maine Rules of Court.
SECTION 5  RENEWAL AND REVOCATION OF OWNER’S OR OPERATOR’S LICENSES

A. The Chief of Police shall renew a license issued under Section 4 to either own or use a taxicab or to operate a taxicab on or before May 1st of each year, provided however, that the applicant must still meet all of the licensing guidelines and standards set forth in Section 3. Upon proof of meeting the guidelines and standards and payment of the license fee, the Police Chief is authorized to issue a renewal of licenses under this section.

B. If information is provided to the Police Chief that a current licensee has violated one (1) or more of the guidelines or standards set forth in Section 4 and this fact is verified by the Fairfield Police Department, then in that instance, the Police Chief shall issue a notice of revocation of an existing license. A licensee who has been notified of revocation of this license is entitled to an appeal from this decision in the manner set forth in Section 4 provided however, the licensee shall be banned from owning and using or operating pending a decision on appeal. Failure to surrender a revoked license upon written request by the Police Chief shall be subject to a fine under Section 12.

SECTION 6  IDENTIFICATION TAG GUIDELINES

A. Each taxicab operator is required to display an identification tag in a conspicuous manner in any taxicab the licensee operates. The identification tag must contain the licensee's name, photograph, and license number.

B. Every taxicab owner licensed to operate within the Town shall keep a copy of the guidelines set forth in Section 3 posted at his place of business.

SECTION 7  REQUIRED INSPECTIONS; CERTIFICATE

Each taxicab used in this Town shall be inspected by May 1 each year; and at the request of the owner or operator thereof, may also be inspected at any other time. No certificate of inspection shall be in force longer than a one (1) year period. Such inspection shall be made by the Chief of Police or designee who shall issue his certificate of inspection if he finds the taxicab to be safe, clean and otherwise suitable. Such certificate shall be carried in the taxicab and readily available for inspection. No taxicab shall be operated without such certificate.

SECTION 8  REVOCATION

The municipal officers may revoke or suspend the license of any owner or operator who violates the conditions of the license, makes a material misstatement on the application for the license, uses abusive or profane language in the presence of a passenger, keeps his taxicab in an unsafe, unclean or unsatisfactory condition, or operates his taxicab in an unsafe manner. The municipal officers may revoke or suspend the certificate of inspection of any taxicab, if any part of it is found by the chief of police to be in an unsafe, unclean or unsanitary condition.
SECTION 9  RATES TO BE CHARGED, VIOLATIONS, PENALTY

A. A schedule of rates shall be posted in every taxicab when in operation, and the schedule shall be illuminated at night so as to be easily read by passengers.

B. In case of violation of the rates so fixed, owners or operators of taxicabs shall be liable to the penalty provided in Section 11 of this Code for each violation, and in addition the municipal officers may revoke or suspend the license of any taxicab owner or operator who is convicted of such violation.

SECTION 10  NUMBER OF PASSENGERS PERMITTED

The number of passengers carried by a taxicab at any time shall not exceed the seating capacity of the vehicle.

SECTION 11  FINES AND PENALTIES

Any person, firm, partnership, or corporation violating any provision of this taxicab ordinance shall be punished upon adjudication by a fine of not less than one hundred dollars ($100.00) nor more than four hundred dollars ($400.00) for each offense. Each day on which any continuing offense occurs shall constitute a separate offense.

SECTION 12  RECIPROCITY

Any other town or city that allows taxicabs and drivers licensed by the Town of Fairfield the right to operate in said town or city, without obtaining a license from said town or city, shall be awarded that same right of operation in the Town of Fairfield provided that said town or city has a written ordinance that is at least as stringent as the Fairfield Public Safety Ordinance Article V dealing with taxis.
ARTICLE 4
No Through Trucks, Seasonal Weight Restrictions

SECTION 1 NO THRU TRUCKS

There will be no through truck traffic at the following locations:

1. Covell Road, from the Norridgewock Road (Route 139) to the Middle Road (Route 104).
2. Davis Road, from the Norridgewock Road (Route 139) to the intersection of Toulouse Corner (Six Rod Road, Ten Lots Road, and Martin Stream Road intersection).
3. Wood Street, from the Middle Road (Route 104) to the Davis Road.
4. Eskelund Drive, from Route 201 to Western Avenue.
5. High Street, from Western Avenue to Main Street.
6. Lawrence Avenue, from Main Street to High Street.
7. Newhall Street, from Western Avenue to Lawrence Avenue.
8. Cottage Street, from Main Street to Savage Street.
9. Military Avenue, from Main Street to Savage Street.

EXCEPTIONS: This Article will not pertain to pick-up trucks or four wheel vans. All State of Maine and Fairfield Municipal vehicles, Local deliveries and pickups may be made on the Covell Road, Davis Road and Wood Street.

SECTION 2 SEASONAL WEIGHT RESTRICTIONS ON TOWN WAYS

A. Purpose. The purpose of this Article is to protect the public health, safety and general welfare of the citizens of the Town of Fairfield and the general public by regulating the seasonal weight restrictions on town ways in order to insure the proper use of and to prevent the abuse of all town ways and town highways within the Town of Fairfield.

B. Seasonal Weight Maximum.
1. It shall be unlawful for any motor truck, motor vehicle, animal drawn vehicle, or team exceeding the registered gross weight of 23,000 pounds to pass over any and all town ways, town highways, improved 3rd class highways, and bridges, or sections thereof, at anytime during the weight restriction season except when the way is solidly frozen meaning that the air temperature is below 32 degrees and there is no liquid water showing in cracks or potholes. Both conditions are required for road to be considered solidly frozen.

2. It shall be unlawful for any vehicle or combination of vehicle exceeding the registered gross vehicle weight to pass over any and all town ways, town highways, improved 3rd class highways, and bridges or sections thereof at any time.

C. Special Exceptions. This Ordinance shall apply to all motor trucks, motor vehicles, animal drawn vehicles, and teams, except the following:

1. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less, other than those referred to in Section B (2) above.

2. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicles.

3. Any vehicle engaged in highway operation, repair, or maintenance under the direction of the Fairfield Public Works Director or the Maine Department of Transportation.

4. Any two-axle home heating fuel truck registered in excess of 23,000 pounds which has an exemption certificate issued by the Maine Department of Transportation.

5. Any vehicle engaged in the transportation of bulk milk or bulk feed which is registered in excess of 23,000 pounds with an exemption certification issued by the Maine Department of Transportation carrying a partial load with a weight equal to or less than indicated on the exemption certification as documented by delivery slips or bills of lading accompanying the vehicle.

6. Any vehicle engaged in the transportation of household refuse registered in excess of 23,000 pounds that has obtained a written permit from the Public Works Director or designee.

D. Penalty for Violation. Any person, operator, or owner of any such motor truck, motor vehicle, animal drawn vehicle, or team who violates this Ordinance shall be guilty of a civil violation and each violation, upon conviction, shall be punished by a fine not to exceed $500.00.
ARTICLE 5
Pawn brokers, Second-Hand Junk dealers, Garage Sales, Vendors and Sellers, and Precious Metals Dealers

SECTION 1 LICENSE REQUIRED

No person shall engage in the business of pawnbroker, junk dealer, second-hand dealer, precious metals dealer or conduct any garage sale without having a license or permit issued by the Town of Fairfield for such activity.

SECTION 2 DEFINITIONS

A. Garage Sale shall mean and include all sales entitled “garage sale”, “lawn sale”, “attic sale”, “rummage sale”, and any similar casual sale of tangible personal property which is advertised by any means whatsoever whereby the public at large is or can be made aware of said sale.

B. Junk Dealer shall mean any person engaged in the purchase, sale or barter of old iron, steel, chain, aluminum, brass, copper, tin, lead, or other base metals, belting, waste paper, old rope, old bags, bagging, barrels, piping, rubber, glass, empty bottles, and jugs of all kinds and quantities of less than one gross, and all other articles discarded or no longer used as manufactured articles composed of any one or more of the materials herein before mentioned.

C. Pawnbroker shall mean any person engaged in the business of lending money on deposit or pledges of personal property or other valuable thing other than securities or printed evidence of indebtedness, or in the business of purchasing personal property, or chooses in action, or other valuable thing, and selling or agreeing to sell the same back to the seller at a price other than the original price of purchase, or in the business of purchasing personal property such as articles containing gold, silver, platinum or other precious metals or jewels for the purpose of reducing or smelting them into a different form and reselling the product.

D. Second-hand Dealer shall mean any person who engages in the purchase, collection, transfer or storage for later resale, or who engages in the trading or selling, unless such sale is by auction of less than four days duration, of any article, vehicle or material, or portion thereof, of which prior use has been made in any manner whatsoever. The term, “secondhand dealer”
shall not be construed to includes pawn broker, junk collectors, used car dealer, antique dealer who handle and sell bona fide antiques exclusively; nor shall it include any person primarily engaged in the retail sale of new and unused goods, who deals with used goods only incidentally, such as accepting such goods in trade as part of a transaction involving the sale of new goods, but only to the extent that such used goods are of the same type as the new goods sold by such person.

E. Vendor/Seller shall mean any person traveling by foot, wagon, automotive vehicle or any other mode of conveyance from place to place, from house to house, or from street to street carrying, conveying or transporting goods, wares and merchandise and offering or exposing the same or any service for sale; or who without traveling from place to place shall sell, expose or offer any goods, wares, merchandise or service for sale from any portable, mobile or temporary structure, or from a wagon, automotive vehicle or other vehicle or conveyance; or who without traveling from place to place shall sell, expose or offer for sale the same in the entrances to buildings or other premises or upon vacant lots or other tracts of land within the corporate limits of the town. The term “vendor/seller” shall not be construed to include the following: vendors of food sold by wagon, automotive vehicle or any other type of conveyance, vendors of merchandise by sample list or catalog for future delivery, vendors of farm, dairy, orchard, fish or forest products of their own production, vendors of newspapers and religious literature, route salesmen while engaged in making deliveries to their regular customers, commercial travelers or selling agents who, in the usual and customary course of business, make sales to dealers, or persons duly authorized to conduct tag days, sell poppies or otherwise solicit.

F. Precious Metals Dealer shall mean any person who engages in the business of purchasing, selling or acquiring through exchange second hand items composed in whole or in part of gold, silver, palladium or platinum, but does not include dental gold, unrefined metal ore, an electronic product, any part of a mechanical system on a motor vehicle, gold or silver coins or bullion.

SECTION 3 LICENSE

A. The municipal officers shall grant a license if the applicant has chosen a location which complies with all municipal zoning ordinances, has not been convicted of a crime arising out of sales of items covered in Section 2, has not violated state law governing pawnbrokers or junk dealers, second-hand dealers or precious metals dealers, and has filed an application with the Town Clerk with the following information:

1. Name of licensee;
2. Proposed place of business;
3. Hours of operation;
4. Manner of operation;

B. Any person who conducts a sale of used items from a location more frequently than three garage sales per year excluded from the regulation under Section 11 shall be deemed to be a
secondhand junk dealer and must comply with all the requirements of this section. Renewals shall be issued by the Town Clerk upon submission of a renewal application substantially identical to the original application.

SECTION 4 INVESTIGATION OF APPLICANT AND PREMISES

1. Upon receipt of an application for any license or renewal, the Town Clerk shall inquire of other town departments as appropriate for comments as to whether a license may be granted consistently with the provisions of the laws and ordinances enforce by such department.
2. The Fire Chief shall cause inspection to be made for the purpose of determining if town ordinances, a state law, or state regulations concerning fire and safety have been complied with.
3. The Police Chief shall cause an investigation to be made of the principal officers or persons to be licensed as a pawnbroker, junk dealer, second-hand dealer, and precious metals dealer. All such persons shall report to the clerk in writing, and copies of any such report shall be deemed a public record.

SECTION 5 REVOCATION/SUSPENSION

Duly authorized town officials shall have the power to temporarily suspend a license under this article if the license violates any conditions of the permit, violates any ordinance or statute governing the operation of any pawnshops, junk dealerships, second-hand dealerships, or precious metals dealers, makes a material misstatement in the application, or the activity presents a danger to the health, safety or general welfare of the public. Following a Public hearing, any license issued by the Town Council and license fees retained by the town, upon a finding by the council that the licensee has violated the ordinances of the town or the laws of the state, or has willfully or persistently failed to comply with any applicable rules and regulations. Licensee must be notified a minimum of three (3) days prior to such hearing in writing stating the reasons for the revocation. In emergency situations where a license is suspended prior to a hearing, licensee must be given an opportunity to be heard as soon as is practicable.

SECTION 6 ISSUANCE OF LICENSE; FEE; DURATION; RECORDS

All licenses under this division shall be over the signature of the Town Clerk, and the fee for making and issuing the same shall be set by the Town Council in the Town of Fairfield Fee Schedule annually, to additionally include the cost of public hearing notice, and will be paid by the licensee. Such license shall continue in force for one year from its date, unless sooner revoked by the municipal officers.

SECTION 7 REGULATIONS

Every person licensed under this ordinance shall put and keep in some conspicuous place on and outside of his place of business a sign designating that he is licensed to deal in such articles; and he shall keep a book in which shall be written, at the time of every purchase of every such article, a description of the article and the day and hour when such purchase was made; and he
shall at all times keep the articles thus purchased, while the same remain in his possession, in such convenient place that they may be readily seen and examined.

No pawnbroker shall sell any property until it has remained in his/her possession for three (3) months after the expiration of the time for which it was pawned.

No other dealer or shopkeeper regulated by the provisions of this article shall permit to be sold any such article purchased or received by him/her until, at least, a period of one (1) week from the date of its purchase or receipt has elapsed, unless authorized to sell the same in less than one (1) week by the Chief of Police.

A precious metals dealer who determines that the precious metals are not listed in an electronic database designed to catalog stolen property may sell or alter the precious metals five (5) business days after the date of acquisition.

SECTION 8 RECORDS, ARTICLES PURCHASED SUBJECT TO INSPECTION

The book required to be kept by this ordinance and the articles thus purchased shall at all times be subject to the inspection and examination of the municipal officers, the chief of police and any police officer or constable or any other officer seeking information in the line of duty.

SECTION 9 DAILY REPORT REQUIRED

Every licensed pawnbroker, secondhand dealer, junk dealer, and precious metals dealer shall make out and deliver to the chief of police or his designee on duty at the police department every day before the hour of 10:00 a.m., a legible and correct list containing an accurate description of all articles taken in pawn, taken in exchange, bought or sold during the preceding twenty-four (24) hours, together with the time when such articles were pawned, exchanged, bought or sold. Any item of jewelry must be photographed and those photographs must be maintained and available for viewing by the Police Chief for a period of no less than 180 days from the date the jewelry was received by the establishment. Whoever fails to comply with the provisions of this section shall be subject to a penalty not exceeding five hundred dollars ($500.00) to be recovered by complaint.

SECTION 10 PURCHASES FROM MINORS PROHIBITED

No person licensed as aforesaid shall purchase any of the articles named in Section 2 of this ordinance from any minor, without written authorization of a parent or legal guardian.

SECTION 11 GARAGE SALE PERMIT REQUIRED

A permit for a garage sale as defined in Section 2 shall be required and the following conditions shall be met:

(a) a permit shall be issued by the Town Clerk or Police Chief for the garage sale at no cost to the resident.
(b) the Town Clerk shall register the sale with the Police Department of the Town of Fairfield.

SECTION 12 REQUIREMENTS AND RESTRICTIONS OF GARAGE SALE PERMITS

The garage sale permit shall be posted in a conspicuous place. There shall be no more than three (3) sales a year permitted to any one person or for the same location during any calendar year. Each sale shall be no more than three (3) consecutive days. This permit may be canceled if in the opinion of the police chief or his/her designee there is a vehicular or pedestrian problem because of inadequate off-street parking arrangements. No fee shall be charged for garage sales as defined in Section 2. Failure to comply with this ordinance shall be punishable by a fine of not less than fifty dollars ($50.00) for each violation.

SECTION 13 VENDORS AND SELLERS LICENSE REQUIRED

No person or persons shall engage in the business of vending or peddling of goods, ware, and merchandise at retail in the Town of Fairfield without first obtaining a license.

SECTION 14 REQUIREMENTS AND RESTRICTIONS OF VENDORS AND SELLERS

Such vendors and sellers license shall be granted by the Town Clerk for a specified period of time and only upon certification by the Chief of Police. This section does not apply to commercial agents or other persons selling by list, catalogs, or otherwise, goods, wares, or merchandise sold for future delivery. This section also does not apply to residents of Fairfield selling agricultural products produced on their property, or to persons selling newspapers, magazines, or religious literature, or to persons selling Christmas trees, wreaths, greens, cards, or seals.

SECTION 15 PAWNBROKERS, VENDORS, SELLERS, AND PRECIOUS METALS DEALERS LICENSE FEES

See Town of Fairfield Fee Schedule

Any person, firm, partnership, or corporation violating any provision of this section shall be punished by a fine of not less than $50.00, nor more than $250.00 for each offense. Each day on which any continuing offense occurs shall constitute a separate offense.

SECTION 16 SUSPENSION AND REVOCATION

Upon complaint being filed with the police department that any person to whom a local vendor/seller license has been issued has violated any law or ordinance which has a reasonable relationship to the conduct of the licensed business, and, if upon investigation, it is found that such complaint is valid, the police official charged with the duty of investigating such complaint may suspend such license for no more than three days. It shall be the duty of the police official who affects such a suspension to notify the Town Clerk and the Town Council on the next regular working day following such suspension. The grounds of such suspension shall also be
sufficient basis for revocation of that same license.

ARTICLE 6
Noise Control

SECTION 1 PURPOSE

This Ordinance is enacted to protect, preserve and promote the health, safety, welfare and quality of life of the citizens of Fairfield through the reduction, control and prevention of excessive noise.

SECTION 2 DEFINITIONS

A. Day-Time Hours: Shall mean the hours between 7:00 a.m. and 9:30 p.m., Monday through Saturday and the hours 9:00 a.m. through 9:30 p.m. on Sundays. For the purposes of this Ordinance time shall be measured by the prevailing local time at the pertinent point in time, whether United States Eastern Standard Time or Eastern Daylight Time.

B. Multi-Unit Structures: Shall mean any attached living units, including, but not limited to, apartments, condominiums, duplexes and multiplexes.

C. Night-Time Hours: Shall mean the hours between 9:30 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and the hours between 9:30 p.m. Saturday evening and 9:00 a.m. Sunday morning. For the purposes of this Ordinance time shall be measured by the prevailing local time at the pertinent point in time, whether United States Eastern Standard Time or Eastern Daylight Time.

D. Noise: Shall mean any sound, produced by any means. The term shall not be construed as having any connotations of pleasantness or unpleasantness.

E. Noise Source: Shall mean anything capable of producing noise; the thing from which noise emanates.

F. Persons: Shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political, administrative or legal entity of any kind.
G. Premises: Shall mean any building, structure, land or portion thereof, including all
appurtenances, and shall include yards, lots, courts, inner yards and real properties without
buildings or improvements, owned or controlled by a person.

H. Engine Brake: Shall mean a compression release engine brake, frequently called a Jake brake
or Jacobs brake, an engine braking mechanism installed on some diesel engines. When
activated, it opens exhaust valves in the cylinders after the compression cycle, releasing the
compressed air trapped in the cylinders, and slowing the vehicle

SECTION 3 NOISE PROHIBITED

It shall be unlawful for a person to produce or initiate, or to be the efficient cause of production
of, a noise that is audible above background sounds at a distance of 75 feet or more from the
noise source. This Ordinance should be read in its entirety, as other prohibitions also apply. For
example Section 5 prohibits the production of noise during night-time hours in a unit of a multi-
unit structure that is audible in another unit in that structure.

SECTION 4 EXCLUSIONS

This prohibition shall not apply to noise produced by or related to the following activities, so
long as the noise, if only related to an activity, is a reasonably necessary adjunct to the activity.

A. Natural phenomena

B. Church bells ringing as part of any official church ceremony or service, tower clock bells
ringing the hour during the day-time hours, or electronic carillons.

C. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems
used in any emergency situation, except burglar or other tampering or intrusion alarms,
including but not limited to vault alarms and motor vehicle alarms, that produce a sound that
is not terminated within twenty (20) minutes after activation.

D. Warning devices required by the Occupational Safety and Health Administration or other
state or federal safety regulations.

E. Tools and equipment and processes used for or in domestic construction, repair,
maintenance, improvement, and demolition, including but not limited to the power and hand
tools and garden tractors, landowners and roto—tillers, when used or operated or performed
during day-time hours.

F. Timber harvesting, including, but not limited to, the felling and removing of logs from the
woods.

G. Commercial activities of construction, maintenance, repair, improvement, or demolition
during day-time hours, provided the noise generated does not exceed limits that may be set
from time to time by the U.S. Environmental Protection Agency or the Maine Department of Environmental Protection.

H. Agricultural animals, livestock, or fowl.

I. Refuse and solid waste collection, and collection of recyclable materials provided that the activity is conducted during day-time hours.

J. Any activity not prohibited by this Ordinance or by any other law, where the noise is not audible above background sounds beyond any lot boundary line of the premises upon which the noise source is located.

K. Any activity for which a permit is required by and under the Ordinance or other law, including but not limited to parades, sporting events, concerts, and fireworks displays, provided that all licenses or permits required by this Ordinance and/or any other law shall have been obtained in accordance with applicable law.

L. Noise associated with manufacturing activity permitted in an Industrial Zone.

M. The use of Engine brakes, if they are being used in accordance with the Environmental Protection Agency’s Codes as defined in 40 C.F.R. § 202.20. The Town recognizes that engine brakes are a critical component to the safe stopping ability of heavy equipment operated on town roads. Nothing in this article shall restrict the Town of Fairfield from posting signage that states “Please restrict use of engine brake” or other words to that effect.

SECTION 5 NOISE IN MULTI-UNIT STRUCTURES

It shall be unlawful for a person to produce or initiate, or to be the efficient cause of production of noise in one unit of a multi-unit structure which is audible in another unit of that same multi-unit structure during night-time hours, exceptions being bone fide cries for help, infants crying, and other unintentional noises that can not be reasonably controlled.

SECTION 6 SPECIFIC PROHIBITIONS

Anything in Sections 3 and 4 of this Ordinance to the contrary notwithstanding, the following activities are prohibited:

A. ANIMALS: Keeping, owning, possessing or harboring any animal or bird which for a period of ten minutes or intermittently for one-half hour or more, makes sounds at any time of day or night which is audible beyond the lot line of the premises upon which the animal or bird is situated: provided, however, that it shall not constitute a violation of this Ordinance of at the time a dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property or upon which the dog is situated.

B. RADIO: Using operating or playing, or permitted the use, operation or playing of any radio receiving set, musical instrument, phonograph, loud-speaker, sound amplifier, or other
machine or device for the production, amplification, or reproduction of sound that is audible above background sounds at a distance of 75 feet or more from the noise source, and which is loud and unnecessary, and which disturbs the peace and quiet of others between the hours 9:30 p.m. and 7:00 a.m. Sunday morning. For the purposes of this Ordinance time shall be measured by the prevailing local time at the pertinent point in time, whether United States Eastern Standard Time or Eastern Daylight Time.

C. VEHICLES: Using, operating, or revving up, any automobile, motorcycle or vehicle in such a manner as to create loud and unnecessary gating, grinding, rattling or any other noise that is audible above background sounds at a distance of 75 feet or more from the noise source, and which is loud and unnecessary, and which disturbs the peace and quiet of others between the hours 9:30 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and the hours between 9:30 p.m. Saturday evening and 9:00 a.m. Sunday morning. For the purposes of this Ordinance time shall be measured by the prevailing local time at the pertinent point in time, whether United States Eastern Standard Time or Eastern Daylight Time.

D. VOICES: Shouting or crying of peddlers, hawkers and vendors which unreasonably disturbs the peace and quiet of the neighborhood between the hours 9:30 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and the hours between 9:30 p.m. Saturday evening and 9:00 a.m. Sunday morning. For the purposes of this Ordinance time shall be measured by the prevailing local time at the pertinent point in time, whether United States Eastern Standard Time or Eastern Daylight Time.

E. IDLING VEHICLES: Idling of any engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturers Gross Vehicle Weight (GVW) for a period in excess of ten consecutive (10) minutes between the hours 9:30 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and the hours between 9:30 p.m. Saturday evening and 9:00 a.m. Sunday morning. For the purposes of this Ordinance time shall be measured by the prevailing local time at the pertinent point in time, whether United States Eastern Standard Time or Eastern Daylight Time, when such vehicle is within a public way adjacent to a residential premises.

SECTION 7 PERMITS

This ordinance authorizes two kinds of noise permits, a Special Sound Permit and a Commercial Sound Permit, described below. Applications for these permits must be submitted to the Chief of Police of the Fairfield Police Department on a form furnished by the Town of Fairfield.

A. Special Sound Permits. A Special Sound Permit is available to authorize the production or generation of sound that would otherwise be in violation of this Ordinance on an occasion that is not part of a regular business activity of the premises on which the sound will be produced or generated. The owner or operator or the manager of the premises shall apply for this permit at least forty-eight (48) hours before the hour the intended noise-producing activity will commence except for emergency repairs to public infrastructure in which case permission shall be sought as soon as possible. The Chief of Police or his or her designee will
have sole authority to grant or deny a Special Sound Permit, but the decision must be made within the following guidelines.

B. Guidelines.

1. No permits shall be issued for any of the specific prohibitions listed in Sec. 6 above except for Sec. 6. An exception to this is for any public infrastructure construction or repairs that in the opinion of the Town Council, after a public hearing on the request, would be in the best interest of the general public to have the work performed between the hours of 9:30 P.M. Sunday evening through 7:00 A.M. Saturday morning. Emergency repairs to public infrastructure are permitted to be done with permission from the Police Chief or his/her designee without a public hearing.

2. The activity producing noise must be an event which occurs infrequently on the premises listed on the Permit. If the noise production is a routine occurrence, the producer of such noise or the person responsible for the production of such noise, must obtain a Commercial Sound Permit.

3. The applicant may not receive more than two Special Sound Permits for any particular premises in any twenty-eight (28) day period.

4. The Chief of Police or his/her designee must consider the character of the neighborhood in which the applicant’s premises is located in deciding whether to grant or deny a permit.

C. If a permit is granted, the permittee must comply with the following terms. Failure to comply with the following terms shall be a violation of this Ordinance. After notice and a hearing a Special Sound Permit can be revoked by the Chief of Police for failure to comply with any of the terms or conditions of the Permit. This section shall not apply to public infrastructure work that the Town Council or Police Chief or his/her designee may permit.

1. The only noises permitted are music or the human voice.

2. The permit shall be in effect for one day only, from 10:00 a.m. to 10:30 p.m. local time.

3. The noise generated shall not be audible above background sounds at a distance of 100 yards or more from the noise source, nor shall the noise be unreasonably loud within the sound area.

4. Noise shall not be produced within 100 yards of hospitals, schools, churches, nursing homes or business premises open to the public unless the permittee secures a consent in writing, and in advance, from the owner, lessee, operator or manager at the affected hospital, school, church, nursing home or business premises open to the public. Copies of the consents must be filed together with the application for the Special
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Sound Permit. The Chief of Police or his/her designee may determine whether all required consents have in fact been obtained.

D. Appeal. Applicants may appeal any denial of a Special Sound Permit to the Fairfield Town Council, and if the denial is not reversed, to the Superior Court in accordance with law and court rules.

E. Commercial Sound Permits. Any person who in the course of business intends to produce or be responsible for the production of noise in violation of this Ordinance more than twice in any twenty-eight (28) day period must apply to the Chief of Police or his/her designee for a Commercial Sound Permit. There shall be a $50.00 application fee for this permit. After notice and a hearing the Chief of Police or his/her designee can revoke a Commercial Sound Permit for violating a term or condition of the Permit and no refund of the Permit application fee shall be due from the Town of Fairfield in the event of such revocation. Failure to comply with the following terms shall be a violation of this Ordinance.

1. Procedure. The Chief of Police or his/her designee shall conduct a public hearing on the application before issuance. The date, time and location of hearing shall be advertised once in a newspaper of general circulation in the Town of Fairfield at least one week, but not more than four weeks, before the hearing is held. The cost of this advertisement shall be prepaid by the applicant. The applicant will be responsible for placement of the notice upon approval of the Chief of Police or his/her designee. At the hearing all those in favor and all those opposed to the granting of the permit shall have an opportunity to voice their opinions. The hearing shall be an informal process. After the hearing, the Chief of Police or his/her designee shall grant or deny the permit, after applying the following guidelines.

2. No permits shall be issued for any of the specific prohibitions listed in Section 6.

3. The Chief of police shall address, in writing, the comments made at the hearing.

4. The applicant must operate a business at an established premises.

5. The Chief of Police or his/her designee must consider the character of the neighborhood in which the applicant’s premises is located in deciding whether to grant or deny a permit.

F. If a permit is granted, the permittee must comply with the terms listed in Section 7 above, except Section 7, and must also comply with the following:

1. The permit shall be in effect for one year from the date of issue, and shall permit noise production between the hours of 10:00 a.m. and 11:00 p.m., local time, Sunday through Thursday, and 10:00 a.m. to 1:00 a.m. Friday and Saturday. In addition, the following terms must be met:
2. The permitee must pay the Town a reasonable sum, to be agreed upon by the Town Manager, for additional police protection on occasions negotiated and agreed upon by the applicant and the Chief of Police and his/her designee at the time of application.

3. The permit is non-transferable. Furthermore, it cannot be transferred from one set of premises to another, even if both premises are owned by the same person.

G. Appeal. Applicants may appeal a denial of a Commercial Sound Permit to the Fairfield Town Council, and if the denial is not reversed, to the Superior Court in accordance with law and court rules.

H. Expiration. A Commercial Sound Permit expires at 12:00 midnight on the last day of its one-year term. A permitee may file a new application for a permit not earlier than thirty (30) days before such expiration or at any time after such expiration.

SECTION 8  ENFORCEMENT

This Ordinance shall be enforced by the Fairfield Police Department. In the event the offense under this ordinance shall not have been witnesses by a law enforcement officer, the complaint may be substantiated by the use of a video camera and/or tape recorder or at least two sworn affidavits.

SECTION 9  PENALTIES

Civil Penalties. Any person in violation of any of the provisions of this Ordinance or any term or condition of a permit issued under this Ordinance shall be subject to a civil penalty, and upon adjudication, thereof shall be fined in an amount not less than fifty dollars ($50) nor more than two hundred and fifty dollars ($250) for each separate violation. The municipality may be awarded attorney’s fees and costs incurred in enforcing this Ordinance. Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation and the amount of fine shall be doubled for each day said violation continues, said fine not to exceed five hundred dollars ($500) per day.
ARTICLE 7
Firearms Discharge Ordinance

SECTION 1 PROHIBITIONS

No person shall discharge any firearm, including air rifles, air pistols or any rifle or pistol powered by CO2 or compressed air.

A. In the Urban Compact area of the Town of Fairfield as defined by the State of Maine Department of Transportation. The Urban Compact Area is marked by use of Urban Compact signs installed by said Department of Transportation.

B. In, upon or over any of the public lanes, courts, parks, or public squares situated within the Town of Fairfield.

C. Within three hundred (300) yards of any built-up area as defined in M.R.S.A. Title 29A Section 2074—2 ss 1252 (3) (A).

D. On any public lands of the Town of Fairfield.

SECTION 2 EXCEPTIONS

A. Law enforcement officers in the performance of their duties.
B. Military exercises, funerals, or reviews.
C. At memorial events.
D. In proper defense of one’s self, family, or property.
E. In destruction of a dangerous animal.
F. Written permission from the Chief of Police or his/her designee for a specific event of a short duration or for a place that would not endanger or otherwise disturb the peace of the public.

SECTION 3 PENALTY
FAIRFIELD PUBLIC SAFETY ORDINANCE

Whoever is found to have violated any section of this Ordinance shall be punished by a fine of not less than fifty dollars ($50.00) nor more than two hundred and fifty dollars ($250.00) for each separate offense.

ARTICLE 8
Parks and Playgrounds

SECTION 1 PROHIBITED ACTIVITIES INVOLVING PARKS AND PLAYGROUNDS

A. Buildings and other Property

1. Disfiguration and Removal. Willfully mark, disfigure, injury, tamper with, displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving, or paving material, water lines, or other public utilities or parts or appurtenances thereof, signs, notices or place-cards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or maker property or appurtenances whatever, either real or personal.

2. Removal of natural resources. Dig or remove any sand, shrubs, or plants, timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

3. Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or cross such lands, except on special written permit issued by the director.

B. Trees, Shrubbery and Lawns.

1. Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers and seeds of any tree or plant. Nor shall any person attach a rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grassy areas, or in any other way injure or impair the natural beauty or usefulness of any areas.
2. Climbing trees. Climb a tree or walk, stand, or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

SECTION 2 PROHIBITED ACTIVITIES INVOLVING SANITATION

No person in the park shall:

A. Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pool, pond, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, manner or thing, liquid or solid, which will or may result in the pollution of said waters.

B. Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where waste shall be carried away from the park by the person responsible for such presence, and properly disposed of elsewhere.

C. Human waste. Urinate or defecate in or upon any park or playground within the Town of Fairfield.

D. Tobacco. Dispose of any smoking materials including any tobacco products.

SECTION 3 PROHIBITED ACTIVITIES INVOLVING TRAFFIC

No person in a park shall:

A. State motor vehicle laws apply. Failure to comply with all applicable provisions of the state motor vehicle laws with regard to equipment and operation of vehicles together with such regulations as are contained in this and other Town of Fairfield ordinances.

B. Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all other posted for proper control and to safeguard life and property.

C. Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding the posted speed for any park areas.

D. Operation of vehicles. Drive any vehicle, excepting bicycles, on or in any area except public ways and paved park roads or parking areas, or such other areas may, on occasion, be specifically designated as temporary parking areas by the director, or the Chief of Police. Excepting bicycles, only vehicles properly licensed and registered for operation on public ways and operated by persons properly licensed under the laws of the State of Maine shall be permitted in any park area.
E. Parking

1. Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

2. Night parking. Leave a vehicle standing or parked at night within any parking area from one half hour after sunset to one half hour before sunrise.

F. Bicycles

1. Confined to roads. Ride a bicycle on other than a paved vehicle road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooden trail or any paved area reserved for pedestrian use.

2. Operation. Ride a bicycle other than on the right hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists shall at all times operate their machines with a reasonable regard as to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicle they may be meeting.

3. Designated racks. Leave a bicycle lying on the ground or paving, or set against trees, or any place or position where other persons may trip over, or be injured by them.

SECTION 4 PROHIBITED ACTIVITIES INVOLVING RECREATION

No person in a park shall:

A. Bathing and Swimming

1. Designated areas. NO person shall frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat in such activities prohibited by the director.

2. Certain hours. Frequent any waters or places designated for the purposes of swimming or bathing, or congregate thereat, except between such hours of the day and on such conditions as shall be designated by the director for such purposes for each individual park area.

3. Hunting and firearms. No person shall use, carry or possess firearms of any description or air rifles, spring guns, bows, and arrows, slings, or other forms of weapons potentially harmful to wildlife and dangerous to human safety or any other instrument that can be loaded with and fire blank cartridges, or any kind of trapping devise. Shooting in park areas as defined herein is strictly forbidden, except if issued a permit by the Chief of Police, or in accordance with the Town of Fairfield “FIREARM DISCHARGE ORDINANCE.”
4. Camping. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours, any movable structures or special vehicle that could be used for purposes such as a house trailer, camp trailer, tent or the like, except with the permission of the Chief of Police.

SECTION 5 PROHIBITED ACTIVITIES INVOLVING BEHAVIOR

No person in a park shall:

A. Prohibited. Have brought alcoholic beverages, nor shall any person drink alcoholic beverages in any playground or park at any time.

B. Fires. Build or attempt to build a fire, except at such areas and under such regulations as may be designated by the Chief of the Fairfield Fire Department or his designee. No person shall drop, throw, or other wise scatter lighted matches, burning cigarettes or cigars, tobacco or other inflammable material, within the park or playground area or any highway, road or street abutting or contiguous thereto.

C. Closed areas. Enter an area posted as “closed to the public”, nor shall any person use or let the use of an area in violation of posted notices.

SECTION 6 PROHIBITED ACTIVITIES INVOLVING VENDING AND PEDDLING

No person in a park shall: Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such thing. Exception here is made as to any regularly licensed concessionaire acting by and under the authority and regulations of the Chief of Police.

SECTION 7 PLAYGROUND OPERATING POLICY

A. Hours. Except as provided by Subsection B below, all playgrounds, as defined herein, shall be open to the public every day of the year from one half (1/2) hour before sunrise to one half (1/2) hour after sunset. The director shall cause notices of the opening and closing hours to be posted in each individual playground for the public information purposes.

B. Closed Areas. Any section or part of any park or playground may be declared closed by the Director at any time for maintenance or repair.

C. Entry prohibited. Except with written permission of the Director, no person shall enter, pass through, or remain in any playground, or the closed areas of such playground, except during the hours and times which such playgrounds, or portion thereof, are open to the public as provided in this section.

SECTION 8 ENFORCEMENT OF PROVISIONS
FAIRFIELD PUBLIC SAFETY ORDINANCE

A. Officials. The director and subordinate employees shall, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance. In addition, the members of the Fairfield Police Department shall also have the authority to enforce the provisions of this ordinance.

B. Ejection. The director, any subordinate employees, and the Fairfield Police Department shall have the authority to eject from any park or playground any person or persons acting in violation of this ordinance.

SECTION 9 CANINE WASTE

A. It shall be in violation of this ordinance for any person who owns, possesses, or controls a dog to fail to remove immediately and dispose of any feces left by his or her dog on or in any park or playground within the Town of Fairfield in a sanitary and lawful manner.

B. The provisions of this section, entitled “Canine Waste”, shall be enforced by any designated representative of the Town of Fairfield health officer, the Director, or any of his subordinated employees, or any member of the Fairfield Police Department.

C. Exemptions. This section, entitled “Canine Waste”, shall not apply to a dog accompanying any handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this section.

SECTION 10 ENFORCEMENT

The provisions of this ordinance shall be enforced by the Chief of Police, the Fire Chief, the Director of Public Works, and the Health Officer of the Town of Fairfield. The provisions of this ordinance shall be prosecuted at any hearing or trial by the Chief of Police and/or the town attorney.

SECTION 11 PENALTIES

Any person violating any provisions of this ordinance shall be fined not less than fifty dollars ($50), nor more than two hundred and fifty ($250) for each separate incident. Each day such violation is committed or permitted to continue shall constitute a separate violation and shall be punishable as such hereunder.
ARTICLE 9
Dogs

SECTION 1 PURPOSE
This ordinance is adopted in the exercise of municipal home rule powers under the Maine Constitution and 30-A MRSA Section 3001. The purpose of this ordinance is to regulate dogs in the Town of Fairfield, to end the problems caused by dangerous dogs, dogs running at large, barking dogs, and property damage occasioned by dogs held to a minimum or eliminated, for the protection of the health, safety, comfort, convenience, and general welfare of the residents of the town, without unreasonably restricting owners and their dogs in their normal activities, while holding owners responsible, where it is appropriate to do so, for the deleterious conduct of their dog.

SECTION 2 DEFINITIONS
As used in this ordinance, unless the text clearly otherwise indicates, the following words and phrases have the following meanings.

A. “Attack”, “attacks”, and “attacking” means an unprovoked actual biting; they also mean, where they occur without provocation, a mere showing of the teeth, or growling or barking, or any combination of these acts, from which a person reasonably receives an impression of impending or imminent physical harm by the dog to himself or herself, to another or others, or to a domestic pet or farm animal.

B. “Dog” includes both genders of dogs.

C. “Owner” means any person or persons, firm, association, or corporation, or other legal entity amenable to civil process, owning, keeping, or harboring, or in possession of, or having the control of a dog, and includes the parent or parents, or guardian, of a minor who owns, keeps, harbors, or is in possession or control of a dog.
D. “Dangerous dog” means the following, regardless of whether the dog is on or off the premises of its owner at the relevant time:

1. A dog that attacks a person, regardless of whether it causes physical harm to the person, provided at the time of the attack the person is not trespassing with criminal intent on the owners premises.
2. A dog that attacks a domestic pet or farm animal and causes harm to the domestic pet or farm animal.
3. A dog that causes serious injury or death to an animal other than a domestic pet or farm animal. It is irrelevant to these definitions of a dangerous dog that an attack occurs outside the Town of Fairfield, or even outside the State of Maine.

E. “Running at large” means off the premises of the dog’s owner and not under the control of an owner of the dog who is physically capable of controlling and restraining the dog by a leash, cord, or chain, or by “at heel” or other voice or other command control to which the dog is obedient.

SECTION 3 NUISANCE

Dangerous dogs, dogs running at large, and barking dogs are hereby declared to be a public nuisance.

SECTION 4 IDENTIFICATION

An owner shall ensure that the owner’s dog, if two months old or older and out of doors, whether on or off the premises of the owner, unless confined within a secure enclosure or container, wears a collar or harness which there must be securely attached an identification tag with the owner’s name, address (if any), and telephone number (if any). Alternatively, an owner may provide for identification by having the dog wear such a collar that is at all times clearly and legibly embroidered with the information required by this section, or by having the dog wear such an embroidered collar which in combination with one or more security tags shows the required information.

SECTION 5 RUNNING AT LARGE

Special restrictions governing dogs on municipal property. No owner of a dog shall cause or permit that dog to run at large within the town. A dog, while in or on the way or place other than a public way or other municipal property, shall be deemed to be under restraint within the meaning of this ordinance if it is otherwise if it is controlled by a leash, chord, or chain, or is “at heel” or otherwise under the voice or other command control of a person and obedient to that person’s command. An owner of a dog shall ensure that dog, when on any public way, and on all municipal property, including but not limited to the towns parks and public ways, municipal sidewalks and recreational and athletic fields, is on a leash or tether at all times and is accompanied by an owner who is physically or by effective voice or other command able to control and restrain the dog from an attack and who tends the leash or tether at all times while
the dog is on municipal property, and who does not permit the dog to run at large on municipal property. An owner accompanying a dog on municipal property, other than an owner with visual acuity accompanying a Seeing Eye dog, so-called, on municipal property, shall collect any feces or vomitus deposited by the dog and dispose of the same in a sanitary lawful manner.

Nothing in this ordinance shall be held to require the leashing or restraint of any dog other than a dangerous dog while on the owner’s premises.

SECTION 6 DANGEROUS DOGS

An owner who is given notice (which need not be in writing) by the town’s Animal Control officer, any law enforcement officer, or any state official that the owner’s dog has bitten or is reasonably believed to have bitten any person, or has or is reasonably believed to have in any way injured any person so as to cause an abrasion of the skin to that person, shall not without further written authorization by an officer or official, sell, give, or otherwise convey the ownership or possession of that dog, or remove or suffer or permit that dog to be moved beyond the boundaries of the town, except to or under the care of a licensed veterinarian, or of an animal control officer, or a law enforcement officer. An owner receiving such notice shall immediately place the dog under confinement for a period of at least 10 days and shall promptly obey all rabies detection and control directions of and animal control officer, licensed veterinarian, law enforcement officer, or state official concerning that dog. An owner receiving such notice shall comply with all applicable regulations of the Maine Commissioner of Agriculture and the Maine Commissioner of Human Services and their authorized officials, employees, and agents in matters of rabies detection and control.

SECTION 7 SPECIAL RESTRAINT OF DANGEROUS DOGS

An owner of a dog that has been determined by a court to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of that owner, or to the custody of an animal control officer or law enforcement officer. The owner of such a dog will ensure that the dog, when out of doors on the owners premises, is either contained within secure enclosure or is fastened with a secured latch to a reinforced chain restraint, the length of which is such that the dog may in no event approach any closer than three (3) feet to any mail receptacle or entrance or exit to a house or other building, end or edge of a driveway, walkway, stoop or stairs leading to an entrance, edge of a lawn, property boundary or public sidewalk, or home fill pipe or utility meter or point on the ground generally below any other wiring or piping. The owner shall ensure that the restraint is maintained and secure at all times the dog is out of doors on the owner’s premises and not in a secure fenced in enclosure.

SECTION 8 BARKING DOGS

No owner of a dog shall suffer or permit that dog by loud, frequent, or habitual barking, howling, or yelping to disturb the peace of another person. [An incident of such disturbance of the peace not occurring not less than twelve (12) hours after another violation of this ordinance.]
SECTION 9 PENALTIES

For an initial violation of this ordinance by an owner, the owner shall be ordered to pay a penalty of not less than fifty dollars ($50.00) nor more than two hundred and fifty dollars ($250.00). In determining the amount to be forfeited the court shall consider any evidence in mitigation, extenuation, or aggravation it considers pertinent to the offense, including but not limited to the civility and degree of cooperation exhibited by the owner, the penalty shall be increased by a minimum of 50.00 above the penalty for the immediate proceeding violation. All penalties awarded, and all the sums recovered, shall accrue to benefit the Town Of Fairfield. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court or court order or rule and shall pay court costs.

For purposes of illustration of the penalty provision only, if an owner were found, in a single court proceeding to have committed four violations, and if the penalty for the initial violation were set at $100, then the penalties for the seceding violations would be $150, $200, and $250, for a total of $700 in penalties; similarly, if there occurred thereafter a second enforcement action for a new single violation against the same owner and if there were a finding of a violation, then the penalty for the violation would be $300.

SECTION 10 PROCEDURE ON VIOLATION

Any law enforcement officer, on complaint of any person on his or her own initiative, may initiate prosecution for violation of this ordinance by filing a complaint with the Maine District court for the division that includes the Town of Fairfield and serving a summons and a copy of the complaint upon the owner. Any law enforcement officer certified by the Maine Criminal Justice Academy may represent the town in District Court in the prosecution of alleged violations of this ordinance. In the alternative, the municipal officers may, if they desire and if the funds are available, engage and appoint counsel to prosecute the alleged violations.

A. ORDER OF THE COURT. If, upon hearing, the court determines that the ordinance has been violated, the court shall impose an appropriate penalty. If the court determines that a dog is a dangerous dog, the court may order the owner to muzzle the dog, and to restrain it, and confine it to the owner’s premises; however, if the court finds that the dog has killed, maimed, or inflicted more than de minimis bodily injury upon a person, or upon a domestic pet or farm animal, or the court determines that the dog has a history of attacks, then the court should ordinarily order the dog to be euthanized. Such euthanasia shall be at the owner’s expense.

B. FAILURE TO ABIDE BY A COURT ORDER. An owner’s failure to comply with an order issued pursuant to Paragraph A, immediately above, constitutes a violation of this ordinance, and may be punishable upon a new summons or as contempt, following issuance of a show cause order on affidavit of a law enforcement officer. If an order of euthanasia is not complied with by the time set by the court, the court may, upon application by any law enforcement officer or other person, upon notice to the owner, issue a warrant to any law enforcement officer or constable in the municipality where the dog is found to destroy the dog and make return of the warrant to the court within 14 days from the date of the warrant.
The owner shall pay all costs of any supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog. A failure to pay such costs by any time stated in the order of the court for making such a payment constitutes a distinct violation of this ordinance, which may also be punished on proceedings for contempt after issuance of a show cause order.

C. COMPLAINT FOR DOGS PRESENTING IMMEDIATE THREAT TO PUBLIC. After filing a complaint in District Court and before hearing the dog shall be subject to muzzling, restraint, or confinement upon its owner’s premises upon order of the law enforcement officer who filed the complaint to the owner, if that officer’s belief that the dog poses immediate threat to the public. The officer may proscribe the degree and means of restraint or confinement. Failure to comply shall constitute a distinct violation of this ordinance. Upon failure to comply and after notice to the owner, the officer may apply to the district court for an order of authorization to take possession of the dog that poses immediate threat to the public and turn it over to the care of a suitable person or organization, at the owner’s expense. The court in its final order shall include an order to the owner to pay such expense in a stated amount.

Nothing in this ordinance is intended to bar or limit the right of the individuals to make written complaint concerning dangerous dogs pursuant to State Law, or bar or limit any law enforcement officer form proceeding to act upon such a written complaint in accordance with the State Law.
ARTICLE 10
Fireworks

SECTION 1 PURPOSE
The purpose of this ordinance is to regulate the use, sale, and storage of fireworks in the Town of Fairfield, and to prevent damage or injury caused by the use of fireworks. Possession, Use, Sale and Storage of Fireworks in the Town of Fairfield shall follow MRSA Title 8 ch. 9-A and this ordinance.

SECTION 2 DEFINITIONS
As used in this ordinance, the following items shall follow and have the same meaning as found in MRSA Title 8 ch. 9-A Sec 221-A:

A. Display
B. Fireworks
C. Fireworks Technician
D. Permit
E. Person
F. Possession
G. Sale or Sell
H. Special Effects Display
I. Value

SECTION 3 USE RESTRICTED
A. The use of fireworks of any type is restricted from all public property, including:

   1. Public Lands adjacent to Municipal or School Buildings and Facilities
   2. Parking Lots, Streets, and Public Ways
3. Parks, Playgrounds, Athletic Fields, and Public Boat Landings
4. Exception: Special Effects and/or Fireworks Displays for a public event may be authorized upon approval of the Chiefs of the Fire and Police Departments, and also by the State of Maine Fire Marshal’s Office

B. The use of fireworks within the Town of Fairfield shall conform to state laws that regulate the discharge of firearms, with the following exceptions:

1. Fireworks shall be legal to use only on the following days:
   i. A total of five days per year during the week of Independence Day, comprising the two days preceding and the two days following July 4th, including the holiday.
2. Fireworks may only be used on days that are Fire Class 1 or 2.
3. Use of fireworks within the urban compact shall be limited to ground displays. Aerial fireworks that are propelled by mortar or rocket are not permitted within the urban compact except that during Town-sanctioned public events a licensed professional may receive permission from the Town to conduct an aerial display.

C. Aerial displays shall not be ignited within 100 feet of any neighboring structure not owned by the user, and Ground displays shall not be ignited within 25 feet of any neighboring structure, unless the user has gained permission from the property owner(s). Furthermore, the use of fireworks shall not cause debris or ashes to be deposited on any neighboring land or buildings without permission from the property owner(s). A “structure” is defined as anything built for the support, shelter or enclosure of persons, animals, or property.

D. The time of day fireworks may be used shall conform to MRSA Title 8 ch. 9-A.

SECTION 4 PENALTIES

Those persons found to be in violation of this ordinance shall first receive a written warning. A second violation may warrant a fine of $150. A third violation may warrant a fine of $300. Any subsequent violation may warrant a fine of $600.

SECTION 5 SALES AND STORAGE

As authorized under MRSA Title 8 ch. 9-A Sec. 223-A (2), a conditional use permit shall be required for a commercial enterprise to sell and/or store consumer fireworks. Applications for permits must meet:

A. The requirements of MRSA Title 8 ch. 9-A Sec. 223-A, Sale of Consumer Fireworks
B. Approval of the Town of Fairfield Planning Board
   1. Commercial enterprises seeking to sell and/or store consumer fireworks shall NOT be permitted to operate in any Village or Residential Zone as defined by the Town of Fairfield Land use Ordinance
C. Approval of the Chiefs of the Police and Fire Departments
SECTION 6 EMERGENCY SERVICES RESPONSE

If the use of consumer fireworks requires the response of emergency services for injury, fire, or damage to property, the owner of the property from which the fireworks were ignited shall be liable for full reimbursement cost of such a response. This shall apply even if the injured person(s) or property owner is the responsible party. Billing may include any cost incurred by neighboring municipalities’ departments responding through mutual aid.

SECTION 7 ENFORCEMENT

A. Any State or Local Fire Safety Official or Law Enforcement Officer may enforce State Law and this Ordinance
B. See also: Town of Fairfield Ordinance # PD95-01 Prosecution of Town Ordinances

Article XIII was adopted by the Town Council on the 14th day of December, 2011.

ARTICLE 11
Bicycle Ordinance

SECTION 1 PURPOSE

The purpose of this Ordinance is to provide regulations, due to the considerable increase in the number of bicycles in the Town of Fairfield, to control all bicycles within the Fairfield jurisdiction, and mandatory annual reporting of information, in order to provide an identification record should any bicycle become stolen, and an annual inspection of bicycles prior to registration to insure safety to all riders.

SECTION 2 DEFINITIONS

A. Bicycle: Every device propelled by human power upon which any person may ride, having a minimum of two tandem wheels, including but not limited to bicycles, motorized bicycles, or motorized tricycles.

B. Driver: Every person who drives, operates, attempts to operate, or is in actual physical control of a device.

SECTION 3 SAFETY RULES

A. Every driver of a bicycle shall exercise due care to avoid collision with any pedestrian and shall use audible signals when necessary, such as before overtaking and passing such pedestrian.

B. Every driver of a bicycle shall exercise proper precaution upon observing a child or any obviously confused, incapacitated, or intoxicated person.

C. Every person propelling a bicycle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle and shall, when on a roadway, conform to all traffic laws, ordinances, and regulations.
D. Every person propelling a bicycle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

E. The driver of a bicycle crossing a sidewalk or crosswalk shall yield the right of way to any pedestrian and all other traffic on the sidewalk.

F. No person shall drive any bicycle other than by human power upon a sidewalk except on a permanent or duly authorized temporary driveway.

G. No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.

H. Every person operating a bicycle on a roadway shall ride and adhere to the right side of the road as practical, except when making a left turn, and shall exercise due care when passing a standing vehicle or one proceeding in the same direction.

I. Persons riding bicycles on a roadway should not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a paved roadway, shall ride within the single lane.

J. No person shall operate any bicycle that is not in such mechanical condition so as to be operated safely.

K. No person operating a bicycle shall carry any package, bundle, or article which prevents the use of one hand in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times.

SECTION 4 GENERAL PROVISIONS

A. No person shall park a bicycle on a sidewalk as to impede the normal and reasonable movements of pedestrian traffic.

B. Bicycle racing on highways is prohibited. Exception to this section may be waived with agreement of the Chief of Police.

C. Every bicycle upon a highway within this town at any time from a half an hour after sunset to a half an hour before sunrise and at any other time when due to insufficient light, persons and bicycles on highways shall be equipped with a lamp on the front, emitting a white light visible from a distance of at least 500 feet to the front.

D. Every bicycle, when in use between dusk and dawn, shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet.
E. Every bicycle shall be equipped with brakes which will enable its driver to stop the bicycle within 25 feet from a speed of 10 miles an hour.

F. A bicycle shall not be equipped with, nor shall any person use upon a bicycle, a siren or whistle.

SECTION 5 PENALTY FOR VIOLATION

Any person of age 17 years or older who violates any of the provisions of this Ordinance shall, upon adjudication, be punished by a fine of not more than $10.00 or by impounding of such person’s bicycle for a period not to exceed 30 days or any combinations thereof. Such person so charged or ticketed may waive his rights to a Court appearance by paying a penalty of $3.00 within 7 days of the violation, in person at the Fairfield Police Department, 74 Water Street, Fairfield, Maine or by mailing the notice with a check or money order payable to Fairfield Police Department, 74 Water Street, Fairfield, Maine 04937.

The Chief of Police of Fairfield, when satisfied that a juvenile under age 17 years has ridden a bicycle in violation of any of the provisions of this Ordinance, may impound the bicycle for a period not to exceed 5 days for the first offense, for a period not to exceed 10 days for a second offense, and for a period not to exceed 30 days for any subsequent offense.
ARTICLE 12
Curfew Ordinance

SECTION 1 DEFINITIONS

A. Curfew Hours means the hours from 11:00 p.m. until 5:59 a.m. of the following day for those persons fourteen years of age and older, but under eighteen years of age.

B. Curfew Hours means the hours from 9:00 p.m. until 5:59 a.m. of the following day for those persons under fourteen years of age.

C. Emergency means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert serious injury or the loss of life.

D. Guardian means a person or a public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under 18-A M.R.S.A. § 5-104.

E. Minor means any person who is seventeen years of age or younger.

F. Parent means a person who is the natural parent, adoptive parent, or step-parent of the minor.

G. Public place means a place located in the Town of Fairfield to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, cemeteries, and the common areas in and about apartment buildings, office buildings, hospitals, schools, shops, and places of entertainment such as movie theaters.

H. Remain means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also
encompasses activities which may be mobile, such as walking, driving, and riding about in a
public place.

SECTION 2 OFFENSES

A. It shall be unlawful for a minor to remain in a public place during curfew hours without
being directly supervised by a parent or legal guardian.

B. It shall be unlawful for a parent or guardian of a minor to knowingly permit, or to allow by
exercising insufficient control, the minor to remain in a public place during curfew hours.

SECTION 3 DEFENSES

It is a defense to prosecution under Section 2 of this ordinance that the minor was:

A. Involved in an emergency or on an errand necessitated by an emergency;

B. Taking measures to protect himself/herself from injury whether perceived or actual;

C. Engaged in an employment activity, or on the way to or from an employment activity,
without any detour or stop except as necessary to drop off or pick up a co-employee;

D. Travelling in a motor vehicle and there is no reasonable belief that a crime is being, or will
be committed;

E. Patronizing, or intending to patronize, an open commercial establishment, as permitted by a
parent or guardian;

F. On an errand directed by a parent or guardian, without any detour or stop;

G. On the sidewalk abutting the minor’s home, subject to parental control;

H. Attending a school, religious, or governmental activity, which is supervised by adults, or
traveling to or from such a school, religious, or governmental activity without detour or stop;

I. Attending a recreational activity sponsored by the Town of Fairfield, a civic organization, or
a similar entity, which is supervised by adults, or traveling to or from such an activity
without detour or stop;

J. Participating in physical activity or exercise, as permitted by a parent or guardian.

K. Exercising rights protected by the First Amendment of the United States Constitution;

L. Married, or otherwise legally emancipated.
SECTION 4 ENFORCEMENT

Before taking any action to enforce this ordinance, a police officer of the Fairfield Police Department shall ask the apparent offender’s age. The officer may ask for proof of the apparent offender’s age, and shall be justified in taking action to ascertain the apparent offender’s age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the officer shall ask the reason for the apparent offender’s being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Section 4 is applicable. If the officer does have such a reasonable belief, the officer may take the minor into custody for the purposes of contacting the minor’s parent or guardian, to come to take control of the minor. The police officer shall summons the minor and the minor’s parent to the District Court for violation of this ordinance. During this period, the officer may require the minor or the minor’s parent or guardian or both to remain in the officer’s presence for a period of up to two hours, so long as the officer complies with all requirements of law, including, without limitation, 17-A M.R.S.A. §17.

SECTION 5 PENALTIES

Penalties shall be enforced only after the juvenile and parent have been notified and warned of the provisions of the Municipal Curfew Ordinance.

A. The penalty for a minor who violates this ordinance shall be:

1. For the first offense, five hours of community service and a fine of not less than $25.00; and
2. For each subsequent offense, ten hours of community service and a fine of up to $100.00.

B. The penalty for a parent or guardian who violates this ordinance shall be:

1. For the first offense, a fine of $50.00; and
2. For each subsequent offense, a fine of $100.00.
ARTICLE 13
Severability

Should any portion of this ordinance be found invalid for any reason by a court of competent jurisdiction, then all portions not found invalid shall remain unaffected and continue in full force and effect.