



CHAPTER 1

THOMASTON

GOVERNMENT &

ORGANIZATION

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CHAPTER 1

GOVERNMENT & ORGANIZATION

100.1 - Construction and effect of Ordinance

100.1.1 - The invalidity of any by-law adopted by the town, or of any section or part thereof, shall not invalidate any other section or provisions of the by-law.

100.1.2 - All by-laws heretofore adopted by the town which are inconsistent with the provisions of the by-laws hereby adopted, are hereby repealed.

100.1.3 - In any case where there shall be a violation of any ordinance for which no penalty is provided, the person violating the same shall be subject to a fine of not less than one dollar nor more than one hundred dollars for each offense.

100.2 - Definitions

100.2.1 - The term "Motor Vehicle" as used in this and all other by-laws shall be defined in Chapter 29, Section 1, Revised Statutes of Maine 1930. The term "vehicle" as used in this and all other by-laws shall include a cart, truck, automobile, motor vehicle, hack, coach, or carriage of any kind, sled or sleigh.

100.2.2 - Whenever the word "street" or "streets" is mentioned in these by-laws, it shall be understood as including highways, courts, alleys, lanes, parks, public squares and public ways and places; and unless the contrary is expressed or such construction would be inconsistent with the manifest intent.

ARTICLE I

Section 101 – Recall of Elected Municipal Officers

101.1 - Establishment

Under MRSA Title 30-A Section 2602 (6) amended October 13, 1993 a town may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members as noted in MRSA 30-A Section 2602.

101.2 - Applicability

Any elected selectman or assessor of the Town of Thomaston may be recalled and removed from office as herein provided for.

101.3 - Petitions for Recall

101.3.1 - The petition for recall must contain only signatures of the registered voters of the Town of Thomaston, equal to ten percent (10%) of the number of votes cast in the last Gubernatorial election but in all cases no less than ten.

101.3.2 - The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition.

101.3.3 - The petition shall state the name and office of the person whose removal is being sought, and a general statement of the reasons such removal is desired.

101.3.4 - If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.

101.3.5 - Each page of the petition shall provide a space for the voter's signature, address and printed name.

101.3.6 - All petition pages thereof shall be filed as one document.

101.4 - Clerk's Certification

Within ten (10) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in section 101.3 of this ordinance. Should the petition be found insufficient, the petition will be filed in the clerk's office and the voter who filed the petition will be notified.

101.5 - Calling the Recall Election

101.5.1 - If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official or officials whose removal is being sought of such action.

101.5.2 - The selectmen upon receipt of the certified petition shall within ten (10) days time of receipt order an election by secret ballot to be held not less than 30 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition, in this case the selectmen may at their discretion provide for the holding of the recall election on the date of the regular municipal election.

101.5.3 - In the event that the Town Selectmen fails or refuses to order an election as herein provided, the Town Clerk shall call the election to be held not less than 30 days nor more than 60 days following the selectmen's failure or refusal to order the required election.

101.6 - Ballots for Recall Election

Unless the official or officials whose removal is being sought, have resigned with ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read "SHALL _____ BE RECALLED?" with the name of the official whose recall is being sought inserted in the blank space.

101.7 - Result of Election

In the event of an affirmative vote for removal, such vote shall take effect as of the recording of the vote tabulation into the records.

101.8 - Vacancies to be Filled

Any vacancy resulting from removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes.

ADOPTED: MARCH 26, 1994 AT THOMASTON ANNUAL MEETING

ARTICLE II

Section 102 – Police

102.1 - Police Department

102.1.1 – Establishment. There shall be a police department, the head of which shall be the Police Chief who shall be appointed by the Town Manager with the approval of the Selectmen on the first day of April annually or as soon thereafter as may be, who shall hold his office at the pleasure of the appointing authority. He shall give a bond in the amount of five hundred (\$500.00) dollars running to the Town of Thomaston for the faithful performance of duty.

102.1.2 - Number of Policemen.

1. The number of regular and special policemen, including special fire police and constables shall be determined by the Selectmen. They shall be appointed annually or from time to time as need be by the Town Manager with the approval of the Selectmen. Special Policemen shall serve only when specifically required by the Chief of Police or the Town Manager and shall function only under their direction. When called to service special policemen shall be compensated for services rendered as the Town Manager and Selectmen may determine.
2. During the absence or disability of the Police Chief, the Town Manager shall appoint one of the regular Policemen as acting Police Chief to have and exercise all power and authority, and perform all duties pertaining to the office of Police Chief.

102.1.3 - Duties of the Police Chief. The Police Chief shall be the Commanding Officer of the Police Department. He shall:

1. Be responsible for the enforcement of law and maintenance of order.
2. Direct the police work of the Town.
3. Arrange for the attendance of one or more fire Police Officers at every fire, to preserve order and, to prevent the destruction of property.
4. Cause the Streets, Wharves and Lanes of the Town to be inspected regularly, and cause to be removed all nuisances, obstructions or impediments therein, causing offenders to be prosecuted when necessary to abate such nuisance.
5. Be responsible for the maintenance and care of all property used by the Police Department.
6. Give an annual report on or before the first day of March to the Town Manager and Selectmen, reporting the number of arrests, a statement of the condition of the Police Service and recommendations as he may see fit.

102.1.4 - Constables. Regular Police Officers shall be appointed as Constables as shall also the Tax Collector.

102.2 - Public Assembly

102.2.1 - Every person obtaining a permit under this chapter shall keep good order in and about his theatre, hall, exhibition, show, or other place of public amusement, and at his own expense shall keep a sufficient force of qualified persons for that purpose.

102.2.2 - No person shall conduct a dance, exhibition or show to which admission shall be paid without first obtaining a permit from the Town Manager.

102.2.3 - No person or persons shall hold or address any public meeting or assemblage of people in any public street or place without a permit to do so granted by the Selectmen or designated representative.

102.3 - Offenses Against the Public Peace

102.3.1 - Loitering

1. Three or more persons shall not stand together or near each other in any street in the town, in such manner as to obstruct a free passage therein for passersby.
2. Any person who stands or loiters in the entrance to any public building or about or within such building, after having been directed by the Police Chief or any constable to pass on, shall be punished by a fine not exceeding twenty dollars.
3. No person shall stand in front of any store or shop window in such a way as to be detrimental to the business of such store or shop. It shall be the duty of the Police Chief or any constable to order all persons offending against the provisions of this section to move on, and if the persons so ordered or requested to not forthwith obey, they shall be liable to a penalty of five dollars for each offense.
4. No person shall loiter or lurk in any of the streets or public places, or adjacent to either, for malicious or unlawful purposes, and no person shall loiter unnecessarily in or about any private dwelling or of any going to or from the same. Whoever violates any of the provisions of this section shall be punished by a fine of not less than twenty dollars.

102.3.2 - Disorderly Conduct

1. No person shall be guilty of any indecent or disorderly conduct in any street or public place in the town. No person shall by any noise, gesture, or other means, wantonly frighten any horse or horses in any public street, and no person shall behave in a rude or disorderly manner or use any profane, indecent, or insulting language, or repeat or sing any lewd or obscene words of songs in any public street or place, or remain upon any sidewalk or any doorstep, portico, or other projection of any house facing onto any public street, to the annoyance or disturbance of any person or persons.
2. No person shall, in any street, lane, or public place, willfully or mischievously make any loud or unusual noise, either by voice or other means, or sing loud, improper or boisterous songs, or in any manner conduct himself rudely, noisily, or in any way calculated to disturb the quiet and good order of the town, on a penalty of not more than twenty dollars.

102.3.3 - Unnecessary Noise

1. No person shall sound an automobile horn, bell or other sound device on a vehicle anywhere in the Town at any time, except when necessary for safe driving.
2. No person shall so load or unload a vehicle with iron or other material that may strike together without properly deadening it so that it will cause no unnecessary noise.

Subsection 102.3.3 Adopted: March 25, 1946.

102.3.4 - Alarm Ordinance

1. "Malfunctioning" or "Overly-sensitive" burglary or fire alarms shall be prohibited.
2. Two such alarms incurred by one party, business, or property owner shall be answered without charge by the Town within any one thirty day period.
3. If such alarms exceed two in number within thirty days, the party, business, or property owner shall be subject to the following costs:

- a. In the case of burglary alarms \$25.00 for every such occurrence.
 - b. In the case of fire alarms, the actual cost incurred by the department in answering the call, but not to exceed \$50.00.
4. A thirty day grace period following the initial installation of such alarm system shall be allowed.

Subsection 102.3.4 Adopted: March 29, 1982.

102.4 - Offenses Against Public Safety

102.4.1 - Protection of Persons Using Ways

1. Cellar Doors

No occupant or owner of any premises shall suffer his cellar door or passage or entrance from the sidewalk into any cellar or basement, adjoining the public street or adjoining premises long continued to be used for public travel to be kept open when not in immediate use, not in any case after sunset, except a good and sufficient light be kept at the entrance of such door, passage or entrance.

2. Water, snow or ice

No person shall suffer his building to shed water, snow or ice upon any street or sidewalk in the town, to the injury or inconvenience of travelers.

3. Dangerous materials

No person shall leave any box, bottle or package of any kind containing poison or other dangerous matter or thing, in any public street, or in any doorway, or public place whatever, in such manner that such box, bottle or package of dangerous matter or thing may be picked up or fall into the hands of children or cause injury to any person using the street.

4. Goods or things hanging over sidewalks

No person shall hang, or cause to be hung, any goods or other thing over any sidewalk; nor suffer his cellar door or passage from the sidewalk into any cellar to be kept open when not in immediate use, nor in any case after sunset, except a good and sufficient light be constantly kept at the entrance to such door or passage, nor suffer any spout to leak water on the sidewalk over the head of any pedestrian.

5. Raising up into buildings

No person shall raise into or lower from the second or higher story of a building from and over any portion of a public street or over a place long continued to be used for public travel, any merchandise or other articles, except in accordance with a written permit from the selectmen or from some person by them duly authorized to do the same.

6. Barbed wire fences

No fence of barbed wire or of which barbed wire is a part shall be constructed or maintained upon, or along, the line of any street or public way in such manner that any person passing along said street or way can come in contact with said barbed wire. Any person violating this ordinance shall, on conviction, pay a fine of not more than twenty dollars for each offense.

7. Passage on sidewalks

No person shall pass with wheelbarrow, hand sled, hand cart, horse, automobile, motor vehicle, cart wagon, or any other vehicle except baby carriages, or hand carts and hand sleds drawn by hand along or across any sidewalk prepared for travelers on foot, or

suffer them to stand thereon so as to incommode any traveler thereon; or along or across any curb or turf edge placed on outside thereof to protect same, nor cause the same to be done, except at such points of places where good and sufficient crossings are provided. Any person who shall violate any of the provisions of this section shall be liable to a fine not exceeding twenty-five dollars for each offense.

102.4.2 - Crosswalk Ordinance.

1. Definition: "Crosswalk" is defined as:

- a. That part of a roadway at an intersection and included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.
- b. Any portion of a roadway at an intersection or else where distinctly indicated for pedestrian crossing by lines or other marking on the road surface.

2. Crosswalks: The Police Chief with the approval of the Manager and Selectmen is hereby authorized to designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections, where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places he may deem necessary.

3. Pedestrians Right of Way in Crosswalk:

- a. When Traffic-control signals are not in place and not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be to so yield, to a pedestrian crossing the roadway within any crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger but no pedestrian shall suddenly leave the curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- b. Whenever a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

4. Pedestrians to Use Right Half of Crosswalk:

Pedestrians shall move, whenever practicable, upon the right half of the crosswalk.

5. Crossing At Other Than Crosswalks:

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

6. Crosswalk Restrictions:

No pedestrian shall cross Main Street at any place in the business district except within a marked crosswalk. No pedestrian shall cross a roadway at any place, other than Main Street business district, except by a route at right angles to the curb, i.e. by the shortest route to the opposite curb.

7. Drivers to Exercise Due Care:

Notwithstanding the foregoing provisions of this ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper caution on any confused or incapacitated person upon a roadway.

8. General Penalty:

Unless another penalty is expressly provided by State Law, any person convicted of a violation of any provision of this Ordinance shall be subject to a fine of not more than Twenty (\$20) Dollars.

Subsection 102.4.2 Adopted: December 13, 1965.

102.4.3 - Missiles and Fireworks

No person shall play at the game of bat and ball, nor strike any ball with a bat, nor throw any stones, bricks, clubs, snow-balls or other missiles in, into, over, along or across any public street or enclosure of any public building, nor fire any squibs, crackers, serpents or other fireworks, made of gunpowder in whole or in part, or of any other explosive ingredients, nor discharge any firearms loaded with powder or other dangerous compositions, nor discharge any gun, air-rifle, or so called B.B. gun nor any other weapon discharged by compressed air, save and except in self-defense, in execution of the laws, or for the destruction of some dangerous animal, in, upon, or across any of the streets, lanes, public square, wharves or on board any vessel lying at any wharf within the town.

102.4.4 - Excessive Speed

No person shall ride or drive any animal or animals, loose or attached to a carriage of any description, or any automobile or motor vehicle, or cause them to be driven through any part of the town, at an unusual and dangerous rate, on penalty of not less than three, nor more than fifty dollars.

102.4.5 - Control of Dogs

1. Roaming-At-Large Prohibited

No owner or keeper of any dog shall permit any dog to roam at large.

2. Dogs shall be under restraint while on any public way or place.

Dogs while on any public way or place shall be under restraint, within the meaning of this ordinance if it is controlled by

- a. a leash not be more than eight (8) feet long, or
- b. at "heel", beside a competent person and obedient to that person's commands, or
- c. on or within a vehicle being driven or parked on the streets, or
- d. being within the property limits of its owner or keeper.

Nothing in this ordinance shall be held to require the leashing of any dog while on the property of its owner or keeper.

3. Penalties

Any owner or keeper found violating paragraphs 1 or 2 of this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10.00 nor more than \$50.00 for each such offense.

Subsection 102.4.5 Adopted: March 31, 1969.

102.4.6 - Control of Annoyance of Barking or Howling Dogs

- 1. No person shall harbor or keep any dog which causes annoyance, to any person or neighborhood, or disturbs the quiet enjoyment of said neighborhood, by unreasonable or incessant barking, howling or making other sounds common to its' species.
- 2. The penalty for violations of this section shall be a fine of not less than \$10.00 nor more than \$100.00.

Subsection 102.4.6 Adopted: May 9, 1977.

102.5 - Offenses Against Public Health

102.5.1 - Dead Animals

No person shall convey through any street, way, public square or public place the dead body of any horse or animal, or any fish offal, swill, or any other offal, unless such animals be covered in such manner as to completely conceal the same from view, or said fish offal, swill, or other offal is conveyed in a closed conveyance which shall not be left standing in any street, way, public square or public place; and no person shall convey the dead body of any ox, cow, swine, or other large animal except it be dressed for food unless it be covered as aforesaid.

102.5.2 - Animals

No person having the care of sheep, swine, horses, cows, or other animals, shall permit or suffer the same to go at large on any highway, street, lane, alley, common, square, or other public place within the town, under penalty of not exceeding ten dollars for each offense.

Subsection 102.5.2 Adopted: March 27, 1944.

102.5.3 – Smoke Nuisance

No person shall create or produce smoke of a density which causes substantial injury to the property of another or produces material annoyance or inconvenience to the occupants of adjacent or neighboring dwelling, or which defiles carpets, curtains, linens, or other household furnishings in adjacent or neighboring dwellings under penalty of the sum of ten (\$10) dollars for each offense.

102.6 - Offenses Against Property

102.6.1 – Vehicles will not block streets

No motor vehicle, truck, wagon, or any other vehicle shall be placed across any street while discharging loads, or for any other purpose, and any person violating any of the provisions of this section shall be subject to a fine of not more than ten (\$10) dollars.

102.6.2 – Debris on streets

No person shall deposit, or cause to be deposited, in or upon any of the streets of the town any leaves, dirt, manure, soot, ashes, hair, shreds, shavings, oyster or lobster shells, dead animals, staves, bricks, mason's or bricklayer's rubbish, or any animal or vegetable substance, or any rubbish or nuisance whatever. Any person violating any of the provisions of this section shall be subject to a penalty of not more than ten (\$10) dollars.

102.6.3 – Boundary monuments

No person shall remove or conceal any monument set as a street boundary in the town under a penalty of twenty five (\$25) dollars.

102.6.4 – Litter from vehicles

No person shall operate a vehicle upon any street in such a manner that material, rubbish, refuse, junk or litter of any kind, dross, sifts, leaks, drops, or otherwise therefrom escapes or drops upon the surface of such highway, street or alley.

Subsection 102.6.4 Adopted: March 25, 1946.

102.6.5 – Defacement of public vegetation

No person shall cut down, dig up, climb, peel, cut, deface, or injure any ornamental or shade tree, shrub or vine growing in any public streets or grounds of the town, without a written permit from the board of Selectmen.

102.6.6 – Posting of signs

No person shall post any placard, handbill, advertisement, sign, poster, notice of any kind upon any building, tree, tree-guard, fence, or any post or structure without the written consent

of the owner, agent, or occupant of the same, or in the case of public property, without the written permit from the selectmen or from some person by them duly authorized to grant the same.

102.6.7 – Defacement of fixtures

No person shall willfully injure, mar, deface, or destroy any fence, signboard, awning, lamppost, lantern, or light.

102.6.8 – Public lighting

No person shall light or extinguish any light or lamp in any public street or place, except by virtue of a contract with the town or permission from the selectmen.

102.6.9 – Water infrastructure

No person shall willfully injure or deface any standpipe or hydrant and no person shall draw off or cause to be removed any water from any standpipe or hydrant, except in case of fire, unless authorized by order of the selectmen or fire chief; except that this provision shall not apply to officers or employees of the water Company.

102.6.10 – Blocking of sidewalks

No person shall place any box, bale of goods, or other article on any sidewalk, so as to encumber the same, nor suffer the same to remain thereon during the night; provided a reasonable time shall be allowed for receiving and delivering goods, or merchandise, or other articles, into or from any store, shop, house, or other place.

102.6.11 – Sweepings

No person shall sweep the dirt and dust from stores or other places onto the sidewalks or streets of the town.

102.7 - Business and Occupations

102.7.1 – Peddling or hawking

No person shall engage in the business of hawking or peddling of goods, wares and merchandise at retail within the town limits, nor shall any person engage in the business of that of an itinerant vendor without first applying for a permit with the Town Manager.

1. The words "Itinerant Vendor" shall be construed to mean and include all non-resident persons who engage in a temporary or transient business in the town by promoting or selling any goods, wares, or merchandise from a car, wagon, or other conveyance.
2. This ordinance shall not apply to persons selling farm, dairy, or orchard products of their own production, or to persons selling newspapers or religious literature, or to persons selling Christmas Trees, wreaths, greens, cards, or seals; or to school age children selling magazines or other goods under public school sponsorship and all cooked food sales.
3. All fees, if any, for the above shall be outlined in 32 M.R.S.A. Sec. 4602.

102.7.2 – Trades and businesses

No person shall in any part of a public street carry on any trade or business unless the same is especially allowed by law or some by-law of the town, without a written permit to do so from the Selectmen or from some person duly authorized by them to grant the same.

102.7.3 – Auctions

No person shall offer for sale or sell any goods, merchandise, or other things at public auction in any part of any public street, or from any building to any person on such street, without a written permit from the selectmen; nor shall any person while on foot carry, or display in any public street any showcard, placard or sign, without a permit as aforesaid.

102.8 - Offenses Involving Morals

102.8.1 – Obscene language

No person shall in any public place or street accost any person with obscene or profane language.

102.8.2 – Obscene writing or drawing

No person shall make any indecent figure or write any indecent or obscene words upon any fence, sidewalk, building, or other public place within the city nor deface any building not his own, by cutting, breaking, daubing with paint, or in any manner deface or injure the same.

102.8.3 – Exposure of body

No person shall expose his naked body for the purpose of bathing or swimming in any of the streams or lakes or within view of any house or residence within the limits of the town.

102.8.4 – Peeping

No person shall mischievously peep through a window or look into any house or room of any house not his own.

102.9 - Offenses Involving Children

102.9.1 - Minors, Regulation of. [Note: Conflicts with 102.9.2]

No child under age 16 shall be or remain upon any street or other public place in the Town of Thomaston, Maine, *after 9 o'clock P.M. Standard Time* unless a reasonable necessity or good reason exists therefor, nor shall any parent, guardian or other person having legal custody of any minor under age 16 so allow or permit.

1. *Any child under age 16* not accompanied by an adult found on a public street or other public place *after said 9 o'clock* and with no apparent necessity or good reason therefor, shall be accosted by any police officer to ascertain whether there is any necessity or good reason therefor.
2. If in the judgment of the police officer, no necessity or good reason exists, he shall take the name and address of said child and his parents or guardian, and if deemed necessary, order said minor to leave the public place or public street, and shall cause notice of violation of this section be given to said parent or guardian.
3. Any such parent, guardian or custodian of said minor who shall violate the provisions of this section after having received from the police officer the notice provided for herein as to a previous violation of the provisions of this section shall be liable to *a penalty not exceeding five dollars for each offense after the first offense*, to be recovered to the use of the Town on complaint or by other appropriate action before the Rockland Municipal Court. Any person liable to a fine hereunder may if he so elects pay five dollars to the Police Chief in lieu of being summoned to the appearing in court; in such event the Police Chief shall furnish a receipt for such payment to the violator and a copy of each receipt promptly to the Town Treasurer.

102.9.2 – Curfew [Note: Conflicts with 102.9.1]

1. **Short title.** This section shall be known and may be cited as the Curfew Ordinance.
2. **Purposes and findings.** This is an updating of the Town of Thomaston Ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, effectively enforced, taught in the homes, internalized and adhered to for generations, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

- a. Thomaston Board of Selectmen finds that the curfew meets a very real local need, has been over the years a significant factor in minimizing juvenile delinquency and should be updated and amplified in the light of the Town of Thomaston's local situation and facts including the following:
 - b. This community sense of the proper time for cessation of outdoor activities by minors on the streets is reflected in the curfew hours declared by this ordinance which takes into consideration also the danger hours for nocturnal crime and for accumulations of minors with potential risks incident to immaturity.
 - c. Commercial recreational facilities for juveniles are almost nonexistent and there is little or nothing for minors to do outdoors, but roam the streets, after the curfew hours which this ordinance declares.
 - d. Parental responsibility for the whereabouts of children is the norm, legal sanctions to enforce such responsibility have had a demonstrated effectiveness over the years, as parental control increases likelihood of juvenile delinquency decreases and there is a continuing need for the nocturnal curfew for minors which has achieved and will continue to achieve under local conditions the purposes hereinbefore stated.
- 3. Definitions.** For the purposes of the Curfew Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein.
- When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.
- a. *Town* is the Town of Thomaston, Knox County, Maine
 - b. *Minor* is any person under the age of 18, or, in equivalent phrasing often employed, any person 17 or less years of age.
 - c. *Parent* is any person having legal custody of a minor
 - i. as a natural or adoptive parent,
 - ii. as a legal guardian,
 - iii. as a person who stands in loco parentis or
 - iv. as a person to whom legal custody has been given by order of court.
 - d. *Remain* means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined in section 5 so that this is not a mere prohibitory or presence type curfew ordinance. More and more exceptions become available with increasing years and advancing maturity as appropriate in the interest of reasonable regulation which is intended by use of the meaningful phrase "be or remain" found constitutional in *Baker v. Borough of Steelton*, 17 Dauph. 17 (1912), a decision properly classified in *Thistlewood v. Trial Magistrate for Ocean City* 236 Md. 548, 204 A. 2d 688, 691 (1964) as relating to a curfew ordinance of the "remaining" type.
 - e. *Street* is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks whether paved or

unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term street applies irrespective of what it be called or formally named, whether alley, avenue, court, road or otherwise.

- f. *Time of night* referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Time, generally observed at that hour by the public in the Town, prima facie the time then observed in the Thomaston Town Hall and police station.
 - g. *Year of age* continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that 17 or less years of age is herein treated as equivalent to the phrase "under 18 years of age." the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken thought that 18 year olds might be involved. Similarly, for example, 11 or less years of age means "under 12 years of age."
- 4. Curfew for minors.** *It shall be unlawful for any person 17, or less years of age (under 18) to be or remain in or upon the streets within the Town of Thomaston at night during the period ending at 6 A. M. and beginning*
- a. *at 10 P.M. for minors 11 or less years of age,*
 - b. *at 10:30 P.M. for minors 12 or 13 years of age, and*
 - c. *at 11 P.M. for minors 14 or more years of age.*
- 5. Exceptions.** In the following exceptional cases a minor on a Town street during the nocturnal hours for which Subsection 4, above, is intended to provide the maximum limits of regulation (and a clear general guide for minors, their parents and their fellow citizens) shall not, however be considered in violation of the Curfew Ordinance.
- a. When accompanied by a parent of such minor.
 - b. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specific area.
 - c. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering, to communications center personnel, at the Town Hall, where and by whom high priority messages to the Town Manager are regularly received, a written communication, signed by such minor and countersigned if practicable by a parent of such minor with their home address and telephone number, addressed to the Town Manager, specifying when, where and in what manner said minor will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right specified in such communication.
 - d. In case of reasonable necessity but only after such minor's parent has communicated to the Town Police Station personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of such communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and address of such parent and minor, shall be admissible evidence.

- e. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor not communicating an objection to the police officer.
- f. When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probable time of termination, has been given in writing to, and duly filed for immediate reference by, the Chief of Police or the officer assigned by him on duty at the police station, thus encouraging (here as in other exceptional situations) conduct on the part of minors involved in such activities and striking a fair balance for any somewhat conflicting interests.
- g. When authorized by special permit from the Town Manager, carried on the person of the minor thus authorized, as follows: When necessary nighttime activities of a minor, may be inadequately provided for by other provisions of this ordinance, then recourse may be had to the Town Manager, either for a regulation as provided in subsection (h) or for a special permit as the circumstances warrant. Upon the Town Manager's finding of necessity for the use of the streets to the extent warranted by a written application (as judicially approved in *People v. Walton*, 70 Cal. App.2d Supp. 862,161, P. 2d 498, 502, 503, 1945), signed by a minor and by a parent of such minor if feasible stating (a) the name, age and address of such minor, (b) the name, address and telephone number of a parent thereof, (c) the height, weight, sex, color of eyes and hair and other physical characteristics of such minor, (d) the necessity which requires such minor to remain upon the streets during the curfew hours otherwise applicable, and (e) the street or route and the beginning and ending of the period of time involved by date and hour, the Town Manager may grant a permit in writing for the use by such minor of such streets at such hours as may be necessary. In an emergency this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Town Manager or if unavailable to the police officer authorized by the Town Manager to act on his behalf in an emergency, at the police station.
- h. When authorized by regulation issued by the Town Manager in other similar cases of reasonable necessity, similarly handled but adapted to normal or necessary nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Town Manager on permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the school, and shall define the activity, the scope of the use of the streets permitted, the period of time involved but to extend more than 30 minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this Curfew Ordinance.
- i. When the minor carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or re-issued not more than 45 days previously, signed by the Chief of Police and briefly identifying the minor, the address of his home and of his place of employment, and his hours of employment.
- j. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. From excess of caution, this clearly exempts bona fide interstate

movement through Thomaston, particularly on normal routes such as Route #1, Beechwood, Wadsworth, Knox, High streets and Old County Road. This also exempts interstate travel beginning or ending in Rockland.

- k. Each of the foregoing exceptions, and their several limitations such as provisions for notification, are severable, as hereinafter provided but here reemphasized; and additional, also severable, exceptions, broadening with the progress toward maturity of minors enrolled respectively in elementary, junior high and high schools, will be considered by the board as warranted by future experience illuminated by the views of student government associations, school personnel, citizens, associations, and neighborhood spokesmen, parents, officers in authority concerned positively with minors as well as with juvenile delinquency.
- 6. Parental responsibility.** It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow, such minor to be or remain upon town street under circumstances not constituting an exception to, or otherwise beyond the scope of the Curfew Ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.
- 7. Police procedures.** A policeman of the Town, upon finding or having attention called to any minor on the streets in prima facie violation of the Curfew Ordinance, normally shall take the minor to the Town Police office where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the officer there and then on duty for accurate, effective, fair impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a policeman on the street shall in the first instance use his best judgment in determining age.
- a. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the policemen may deliver to a parent thereof a minor under appropriate circumstances, for example a minor of tender age near home whose identity and address may readily be ascertained or are known.
 - b. In any event such policeman shall within 24 hours file a written report with the Chief of Police, or shall participate to the extent of the information for which he is responsible in the preparation by himself and the officer involved in such case, and in the filing, of such report within 24 hours.
 - c. When a parent, immediately called, has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

- d. In the case of a first violation by a minor the Chief of Police shall by certified mail, send to a parent written notice of said violation with a warning that any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties.
- 8. Penalties.** Prevailing community standards, and the real internalization thereof or interpersonal sanctions therefore that in practice count for much, as to when minors should be off the streets, reflected in this Curfew Ordinance, are hereby undergirded with the following legal sanctions.
- a. If, after the warning notice pursuant to section 7 of a first violation by a minor, a parent violates section 6 (in connection with a second violation by said minor), this shall be treated as a first offense by the parent. For such first parental offense a parent *shall be fined \$25.00 and for each subsequent offense by a parent the fine shall be increased by an additional \$25.00, e.g. \$50.00 for the second, \$75.00 for the third offense.* The Sixth District Court, upon finding a parent guilty, shall sentence the parent to pay such fine and the costs of prosecution, and upon refusal to pay such fine and costs to be imprisoned in the jail of Knox County for a period not exceeding ten days.
- b. Any minor who shall violate any of the provisions of the Curfew Ordinance more than three times shall be reported by the Town Manager to a society or organization whose purpose it is to take charge of incorrigibles and delinquents and proceedings shall then be taken, before the juvenile court for the treatment, supervision and rehabilitation of such minor.
- c. A like procedure, before the juvenile authorities, shall be followed in any case where the imposing of a fine or fines upon a parent shall not be effective, or where for any other reason the provisions of the Curfew Ordinance cannot be made effective by the imposing of penalties under this Subsection 8.
- 9. Construction.** Severability is intended throughout and within the provisions of the Curfew Ordinance. If any provision, including inter alia any exception, part, phrase or term, or the application thereof to any person or circumstance is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the Curfew Ordinance in any and all other respects shall not be affected thereby. From excess of caution, the Town Manager is authorized to give advisory opinions, in writing or immediately reduced to writing, which shall be binding, and shall be adhered to by the police, until the ordinance is amended in such respect, interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters addressed to him at Watts Block questioning as (a) ambiguous, (b) as having a potentially chilling effect on constitutional rights specifically invoked, or (c) as otherwise invalid, in all three categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of said three categories. The Town Board of Selectmen does not intend a result that is absurd, impossible of execution or unreasonable. It is intended that the Curfew Ordinance be held inapplicable in such cases, if any where its application should be unconstitutional. A constitutional construction is intended and shall be given. The Town Board of Selectmen does not intend to violate the Constitution of the State of Maine or the Constitution of the United States of America.

- 10. Continuing evaluation.** The Town Board of Selectmen will continue its evaluation and updating of the Curfew Ordinance.
- a. Accordingly, there shall be compiled and informally reported to the Town Board of Selectmen through effective channels (such as the normal monthly distribution by the Town Manager and Town Clerk, to each Selectman, the Town Manager and the Town Clerk) all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the Town Manager's special permits and the Town Manager's regulations hereinbefore authorized, and the Town Manager's advisory opinions, for consideration by the appropriate committee and by the Town Board of Selectmen in further updating and continuing evaluation of the Curfew Ordinance.
 - b. For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the Town Manager and relevant committees of the Town Board of Selectmen through their respective chairmen in coordinated efforts shall work with existing, and may organize, voluntary groups, and shall stimulate volunteer leadership, in programs of research and of action dealing constructively on neighborhood and local bases, with juvenile delinquency, and the prevention, control or containment thereof, in all its ramifications and with practicable steps toward the good life, and a better life, for minors 17 or less years of age, and with the working of the Curfew Ordinance, community-wise and in individual cases, as one much needed legal tool toward that end as well as for continuing present protection of minors, and of other persons, and of property and other interests, important to the welfare of the people of the Town of Thomaston.

Subsection 102.10.9.2 Adopted: March 31, 1981.

ORIGINAL ORDINANCES REVISED: APRIL 21, 1958; JUNE 9, 1970; MARCH 29, 1976

ARTICLE III

Section 103 - Fire Department

103.1 – Name

The organization shall be known as the *Thomaston Fire Department*.

103.2 - Organization

103.2.1 - The Department shall consist of a chief to be appointed by the Town Manager with the approval of the selectmen for an indefinite term, said appointment to be rescinded only for a cause; a Deputy Chief and an Assistant Chief to be appointed by the Town Manager with the approval of the Selectmen, on the first day of April annually or as soon thereafter as may be, to serve at the pleasure of the appointing authority and a company of not less than twenty-four (24) or more than thirty (30) men, not including juniors, these men to be assigned by the Chief to man the various pieces of equipment.

103.2.2 - The Chief and his assistants shall within a reasonable time after their appointment meet and organize themselves into a Board of Engineers and shall be empowered to make such rules and regulations for their government as they may deem expedient. They shall have control of the engine house and all apparatus, and shall make such rules for the government, discipline and good order of the department and for the extinguishment of fires as they may deem expedient, the same being subject to the approval of the Board of Selectmen.

103.2.3 - The Chief shall have the sole and absolute control and command of all personnel and shall direct all proper measures for the extinguishment of fire, protection of property and preservation of order and the observance of all fire laws, ordinances and regulations. In the absence of the Chief the senior officer present shall have all the authority of the Chief and shall perform all the duties required of the Chief.

103.2.4 - It shall be the duty of the Board of Engineers to appoint four captains and four lieutenants, consideration being given to qualification and other prerequisites, and appointees to serve at the pleasure of the Board. A captain and lieutenant shall be assigned to each major piece of equipment. They shall have general supervision of the men assigned to their particular piece of equipment, shall be responsible for serviceability and cleanliness of same-at all times.

103.2.5 - It shall be the duty of all members of the department upon an alarm for fire to immediately report for duty at their assignment and to so remain and carry out the orders of their superior officer and no man shall leave that assignment until orders to that effect have been given. Upon their return to the station all equipment shall be properly cleaned and cared for and put in readiness for subsequent calls, to the satisfaction of the senior officer present and no roll call shall be held until so ordered by said senior officer.

ADOPTED: APRIL 21, 1958

AMENDED: MARCH 25, 1974

ARTICLE IV

Section 104 - Personnel Committee

104.1 - Establishment

A Personnel Committee as originally established by town meeting vote on June 14, 2000 is hereby re-established pursuant to 30-A, M.R.S. §3001.

Committee members shall be appointed by the Select Board and sworn in by the clerk or other persons authorized to administer oaths. The Committee shall consist of five (5) members plus a maximum of two (2) members as described in 104.1.3 below. The composition of the Personnel Committee shall be as follows:

- 104.1.1 - One member of the Select Board, plus one Alternate Select Person, both chosen by majority vote of the Board. The Select Persons will serve a one-year term but may, upon a majority vote of the Board, serve any number of consecutive or non-consecutive terms.
- 104.1.2 - Four members of the general public plus one first Alternate and one second Alternate, who are residents of the Town of Thomaston chosen by majority vote of the Select Board. These members and alternates will serve staggered terms of three (3) years.
- 104.1.3 - A maximum of two persons with knowledge pertinent to the position to be filled, appointed by the Town Manager as needed. These non-voting members will serve during the period necessary to complete the hiring process.

104.2 – Organization and Rules

- 104.2.1 – The Committee shall select a Chairperson, Vice Chairperson, and a Secretary from among its members, chosen by majority vote of the committee members.
- 104.2.2 – All officers shall serve one (1) year with eligibility for re-election. It is recommended to select new officers at least every three (3) years.
- 104.2.3 – When a member is unable to act because of conflict of interest, physical incapacity, absence or any other reason satisfactory to the committee, the first Alternate shall fill that seat; in the event the first Alternate is unable to fill that seat, the second Alternate shall fill that members seat. The Select Board Alternate may only take the seat of the Select Board Member.
 - a. An alternate member shall attend all meetings of the committee and participate in its proceedings, but may vote only when he or she is sitting in for an absent member.
 - b. Additionally, in the event of an alternate filling the seat of a member at any time during the hiring process, that alternate shall hold that seat for the entire hiring process and therefore be a voting member. If the first alternate is unable to complete the entire hiring process, the second alternate may fill the seat for the completion of the process if said alternate has been present throughout the process to that point. Therefore, all alternates are strongly encouraged to attend all meetings related to the said interview process.
- 104.2.4 – Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who'd being challenged.
- 104.2.5 – The Town Manager shall call a meeting as job openings dictate.
- 104.2.6 – No meeting of the committee shall be held without a quorum consisting of three (3) members or alternate members.

104.2.7 – The Secretary shall keep a record of meeting dates, members present, officers elected and job description to be filled.

104.3 – Powers and Duties

The Personnel Committee's duties shall be limited to regular full-time and regular part-time employees, as defined in the Town of Thomaston Personnel Policy Manual, and all Department Heads or Directors. The Personnel Committee may be involved in other hirings or promotions if the Select Board determines that special circumstances warrant such committee involvement. Vacancies or promotions shall be open generally to all qualified applicants. In so far as practical and consistent with the best interests of the Town of Thomaston, preference shall be given to qualified employees within the Department with the vacancy or to qualified residents of the Town of Thomaston.

The Personnel Committee shall:

104.3.1 - Develop such procedures, keep such records and make such reports as the Town Manager may require.

104.3.2 - Prepare pertinent application forms.

104.3.3 - Develop from job descriptions with the Town Manager and Department Heads, the education, training, experience and physical qualifications for each job classification.

NOTE: It is intended that this be done for each job classification once and then revised only when deemed necessary.

104.3.4 - Develop with the Town Manager and Department Heads, those of the following which the Personnel Committee deems necessary for each job classification.

1. Written Exam
2. Oral Exam
3. Performance Exam
4. Medical Exam
5. Physical Agility Exam
6. Psychological Exam

Determine the elements in each exam, and the weight attached to each. All exams may be competitive or non-competitive as the Personnel Committee may determine in each case.

NOTE: It is intended that this be done for each job classification once and then revised only when deemed necessary.

104.3.5 - Compile a "Register of Eligibles" as the result of evaluation.

104.3.6 - Certify all eligibles arranged in descending order as a result of evaluation.

104.4 - Process

Upon notification by the Town Manager, The Personnel Committee shall:

104.4.1 – Jointly review all applications to determine which candidates should be contacted for an interview. Department Heads and the Town Manager may participate as desired or requested by the committee.

104.4.2 – The Town Manager and/or Department Head shall administer exams required for the position and grade same. Results of all exams will be forwarded to the Personnel Committee.

104.4.3 – Interviews will be with a majority of Personnel Committee members including up to two (2) temporary members with knowledge pertinent to the position and the Town Manager and/or the Department Head.

- 104.4.4** – Interviews will consist of inquiry specific to the job to be filled. All questions will be consistent with Title 5, M.R.S. §4572.
- a. A set of questions will be determined by the Personnel Committee, Department heads, and Town Manager that are to be asked of all candidates.
 - b. As appropriate, a set of questions may be asked of individual candidates as determined by the Personnel Committee during the initial application review process.
 - c. Other questions deemed pertinent at the time of the interview may be asked by any member of the Personnel Committee, Town Manager, and/or Department Head.
- 104.4.5** – Second interviews may be conducted if the Personnel Committee determines that such interviews are needed.
- 104.4.6** - Based on the results of the interviews and exams, the Personnel Committee shall determine the best qualified candidates and recommend up to three to the Town Manager in descending order.
- 104.4.7** – If the Personnel Committee recommends three applicants, the Town Manager must select one of them.
- 104.4.8** - If there are not three applicants that the Committee decides to recommend, the Town Manager, at his/her sole discretion, may select one of the one or two that are recommended or require the Personnel Committee to start anew.
- 104.4.9** - After detailed review of all pertinent information by the Town Manager, the Town Manager will submit the Personnel Committee's list of certified applicants in descending order along with his/her choice to the Select Board for confirmation, in accordance with the Personnel Policy.
- 104.4.10** - In the event the Select Board fails to confirm the Town Manager's first choice, the Town Manager will submit one of the two remaining certified applicants for confirmation. If the second applicant fails to be confirmed, the Town Manager will notify the Personnel Committee to certify two (2) additional qualified candidates, from the "Register of Eligibles", to the Town Manager. New interviews may be conducted.
- 104.4.11** - Prior to hiring any applicant or presenting the successful applicant to the Board of Selectmen for confirmation, the Town Manager or his/her designee shall accomplish a background check to include national, state and local agency checks, personal and employment references.
- 104.4.12** - At the Personnel Committee's discretion, establish the eligibility of certified applicants to be hired in the event a vacancy may occur within one year.
- 104.4.13** - In the event of the need to hire a Town Manager, the preceding process will be used except the Chairman of the Board of Selectmen will act in the capacity described for the Town Manager.

104.5 - Severability

- 104.5.1** - It is the intention of the Citizens of Thomaston that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Citizens of Thomaston that if any provisions of this ordinance be declared invalid, all other sections remain valid and effective.
- 104.5.2** - This ordinance may be amended by a majority vote of the Citizens of Thomaston.
- 104.5.3** - This ordinance will be in full force and effect upon majority vote of the Citizens of Thomaston.

104.5.4 - All existing policies of the Town of Thomaston insofar as they may be inconsistent with the provisions of this ordinance are hereby repealed.

ADOPTED: MARCH 26, 1994 AT THOMASTON ANNUAL MEETING

RE-ADOPTED: JUNE 14, 2000 AT THOMASTON ANNUAL MEETING

RE-ADOPTED: JUNE 12, 2019 AT THOMASTON ANNUAL MEETING

ARTICLE V

Section 105 - Budget Committee

105.1 - Establishment

Pursuant to 30-A MRS §3001, a Budget Committee is hereby established for the Town of Thomaston on this day, March 26, 1994.

105.2 - Composition

The committee shall consist of nine (9) members.

105.3 – Appointment & Attendance

Committee members shall be appointed by the Board of Selectmen. Any member who misses two regularly scheduled meetings in a budget year will be automatically dismissed from the Budget Committee.

105.4 - Qualifications

Committee members shall be registered voters of the Town of Thomaston. No other official or employee of the town may be a member.

105.5 - Terms

Members shall serve for terms of three (3) years, except that they shall continue in office until their successors are appointed. (For transition purposes, the initial terms shall be staggered so that as nearly an equal number of terms shall expire annually).

105.6 - Vacancies

Vacancies shall occur upon the resignation, death or removal from the municipality of any member. A vacancy may also occur when a non-participating member is removed at the discretion of the Board of Selectmen, based on a recommendation made by the majority of the Budget Committee Members, showing just cause for such a request by the committee. The vacancy shall be filled by the Board of Selectmen. In any and all cases the vacancy shall be filled within 30 days of the occurrence.

105.7 - Officers

The committee shall annually elect a Chairman, Vice Chairman and a Secretary from among its members.

105.8 - Meetings

The Chairman shall call meetings as necessary or when so requested by a majority of members or the Board of Selectmen and/or the Town Manager.

105.9 - Quorum

A quorum necessary to conduct business shall consist of at least a majority of four (4) members.

105.10 - Procedure

The Chairman shall preside at all meetings unless unavoidably absent at which time the Vice Chair shall preside. The Secretary shall maintain a record of all proceedings including all correspondence of the committee. All meetings and records shall be subject to the Maine Freedom of Access Act, 1 MRSA §401-410, and a copy of all minutes and correspondence shall be kept on file in the Town Office. The committee may adopt rules of procedure not inconsistent with this ordinance.

105.11 - Powers & Duties

The Committee shall have the following powers and duties:

- 105.11.1 - To review and make recommendations on the annual operating budget as proposed by the Town Manager.
- 105.11.2 - To review and make recommendations on annual capital expenditures as proposed by the Town Manager;
- 105.11.3 - To review and make recommendations on supplemental appropriations and expenditures and other budgetary action whenever proposed by the Town Manager.
- 105.11.4 - To make such other recommendations on fiscal matters as it may from time to time deem advisable.

105-12 - Authority

The committee's authority shall be advisory only.

105.13 - Recommendations

Any recommendations on a matter requiring town meeting action shall be printed with the article in the warrant and on the ballot, if any, along with such other recommendations as may be included by the Board of Selectmen or required by law.

105.14 - Official Co-operation

The Board of Selectmen and or the Town Manager shall co-operate with and provide the committee with such information as may be reasonably necessary and available to enable it to carry out its functions under this ordinance.

105.15 - Severability

- 105.15.1 - It is the intention of the Citizens of Thomaston that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Citizens of Thomaston that if any provisions of this ordinance be declared invalid, all other sections remain valid and effective.
- 105.15.2 - This ordinance may be amended by a majority vote of the Citizens of Thomaston.
- 105.15.3 - This ordinance will be in full force and effect upon majority vote of the Citizens of Thomaston.
- 105.15.4 - All existing policies of the Town of Thomaston insofar as they may be inconsistent with the provisions of this ordinance are hereby repealed.

ADOPTED: MARCH 26, 1994 AT THOMASTON ANNUAL MEETING
AMENDED: MARCH 25, 1995 AT THOMASTON ANNUAL MEETING
AMENDED: JUNE 12, 2019 AT THOMASTON ANNUAL MEETING

ARTICLE VI

Section 106 - Village Cemetery Ordinance

106.1 - Trustees

The Town of Thomaston Village Cemetery and all matters connected therewith shall be under the control of a board of ten (10) trustees, to be designated Trustees of the Thomaston Village Cemetery, consisting of four (4) members to be appointed by the Board of Selectmen, the remaining six (6) trustees to consist of the five (5) members of the Board of Selectmen and the Town Clerk. The Town Clerk shall serve as a Trustee and Secretary of the Board of Trustees. The Town Treasurer shall serve as the treasurer of the Board of Trustees. The chairman of the Board of Trustees shall be the chairman of the Board of Selectmen.

106.2 - Resignation from the Board of Trustees

A municipal office holder cannot resign as a trustee of the cemetery unless he/she also resigns from the municipal office held. The new trustee shall be the next holder of said municipal office. Should an appointed Trustee resign, a replacement shall be appointed by the Board of Selectmen. In all cases, Trustees shall serve until their successors have been chosen, all of whom shall serve without compensation.

106.3 - Authority

106.3.1 - Said Trustees shall have the authority to make all necessary by-laws and regulations for their own government and for the management of the cemetery. It shall be their duty to direct the planting, pruning, cultivation or removal of trees and shrubs through their agent, the sexton. They shall cause the removal of plantings by lot owners that in their opinion mar the beauty of the grounds. They shall maintain the avenues and pathways. The Trustees shall have the full authority to do and perform whatever may be necessary to carry into full effect the object of the cemetery. Should Funeral Directors, or their representatives open or cause a grave to be opened without the permission of the sexton, the Trustees shall have the authority to impose such penalties as they find appropriate.

106.3.2 - The Trustees shall appoint and/or remove at their pleasure, a sexton, and determine the duties and compensation for same.

106.3.3 - The Trustees shall make a detailed statement of their official acts and of the conditions and needs of the cemetery in the town's annual report.

106.4 - Duties of the Treasurer

106.4.1 - The Treasurer of the Town shall receive all monies paid to, or donated to the town cemetery. He/she shall keep a separate accounting thereof under the heading "TOWN CEMETERY FUND". The Treasurer shall disburse money only on the authority of a warrant drawn for that purpose by the municipal officers (In accordance with 30-A MRSA §13-1222). Any monies donated, willed or bequeathed to the town cemetery shall be invested by the Treasurer under the direction of the municipal officers. The interest income may be expended for the support of the cemetery and its care, according to the terms thereof.

106.4.2 - In the annual report, the town treasurer shall include a detailed statement of the receipts, disbursements and conditions of all "CEMETERY FUNDS".

106.5 - Lots for Residents

The town holding in its own right the title to the land comprising the cemetery, and having divided the same into lots, hereby grants unto each and all citizens the right to be interred therein. To all residents of the town who may hereafter need a lot, the Trustees shall grant the exclusive use of a vacant lot.

106.6 - Lots for Former Residents

Any person not presently a citizen, of the town, but who is a former citizen, may purchase a lot in time of need, and own same only after paying all monies owed for the purchase and perpetual care. The cost of lots is determined by the Trustees and is subject to change.

106.7 - Lot Purchase

Any resident of the town may purchase a lot in the village cemetery for future use after paying all monies owed for the purchase and perpetual care. The cost of lots is determined by the Trustees and is subject to change.

106.8 - Perpetual Care

Perpetual care must be paid on all lots granted or purchased in the Village Cemetery. The cost of perpetual care is determined by the Board of Trustees and is subject to change. The amounts received are to be credited to the proper cemetery accounts.

106.9 – Rights, Title, and Interest of Lot Owners

No internment should be made in the Town of Thomaston Village Cemetery until the Cemetery Sexton is furnished a permit such as may be required by the Laws of the State of Maine, together with an agreement signed by the owner of record of the burial lot or their legal representative that indemnifies and saves harmless the town from liability should the dead human body be buried in the wrong burial lot or should the owner of record or their legal representative have insufficient title to the burial lot.

The proprietor of a lot shall have the right of erecting a monument and stones with the said placement to be directed by the sexton. They shall have the right to cultivate shrubs following the standards set forth in the By-Laws and Regulations of the Thomaston Village Cemetery. Lot owners should check the By-Laws and Regulations for other restrictions.

106.10 - Maintenance of Other Cemeteries

The sexton shall maintain the following cemeteries as part of his/her duties:

106.10.1 - Butler Cemetery - Thomaston Street

106.10.2 - Morse's Corner Cemetery - West Meadow Road

106.10.3 - Elm Grove Cemetery - Erin Street

Please note the town is reimbursed for work done in the Elm Grove Cemetery.

106.11 - Trusts

106.10.1 - The Cemetery Trustees may accept, on behalf of the town, and convey to the municipal officers of the town for investment, any gift of money for care by a person who executes a standard form trust agreement, prepared by the town. The acceptance of this trust by the Cemetery Trustees is a mere formality to complete and memorialize individual transactions.

106.10.1 - Testamentary trusts (trusts by will, without previous execution of the standard form agreement) will require acceptance by the town voters.

106.10.1 - Trusts previously accepted by the town for care of family or privately owned burial grounds; the town is required by law (30-A MRSA §13-1222) to continue to perform the duties of the trust as prescribed.

106.12 - Private and/or Family Burial Plots

From the date of this ordinance, the town will not accept trusts for the care of privately owned or family burial grounds.

106.13 - Mandated Review

This ordinance shall be reviewed every five years with the next review due in 1998.

106.14 - Severability Clause

106.14.1 - It is the intention of the Trustees that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Trustees that if any provisions of this ordinance be declared invalid, all other sections remain valid and effective.

106.14.2 - This ordinance may be amended by a majority vote at a town meeting when such an amendment is promulgated in accordance with statutory provisions.

106.14.3 - This ordinance shall be in full force and effect when enacted at a town meeting.

106.14.4 - All existing ordinances of the Town of Thomaston insofar as they may be inconsistent with the provisions of this ordinance are hereby repealed.

REVISED: MARCH 26, 1994 AT THOMASTON ANNUAL MEETING

AMENDED: JUNE 12, 2019 AT THOMASTON ANNUAL MEETING

ARTICLE VII

Section 107 - Public Library

107.1 - Preamble

The Thomaston Public Library was established on March 28, 1898 by an ordinance entitled "An Ordinance for the Establishing and Maintaining a Public Library", passed at an Annual Town Meeting on that date. The purpose of this ordinance is the revision and modification of the 1898 ordinance, in order to reflect contemporary considerations, including the adoption of a modified town manager form of government by the Town of Thomaston, consistent with the Home Rule Authority of the town.

107.2 - Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A MRSA §3001.

107.3 - Establishment

There shall be a public library of the Town, known as the "Thomaston Public Library". The purpose of the public library shall be to provide the inhabitants of the Town of Thomaston, and the inhabitants of surrounding towns and communities - as those towns, communities and their inhabitants may contract with the Town of Thomaston from time to time - with public library services and facilities.

107.4 - Governing Body

The governing body of the Thomaston Public Library shall be the Board of Trustees.

107.5 - Appointment of the Board of Trustees

107.5.1 - The initial Board of Trustees, following the enactment of this ordinance, shall be appointed by a majority vote of the Board of Trustees of the Library which is in office as of the date of the Town Meeting at which this ordinance is enacted, subject to confirmation of the appointment of each member of that initial Board by the Board of Selectmen of the Town of Thomaston. The Board of Selectmen shall act on the confirmation of the initial Board of Trustees within thirty (30) days of enactment of this ordinance. The initial Board of Trustees, and all subsequent boards shall consist of nine (9) members with staggered terms as follows: Three (3) members shall serve a 3-year term, commencing with the date of enactment of this ordinance and expiring on the date of the Annual Town Meeting in the year that is 3 years from confirmation of this ordinance; three (3) members shall serve a 2-year term, commencing with the date of enactment of this ordinance and expiring on the Annual Town Meeting in the year 2 years afterwards; and three (3) members shall serve a 1-year term, commencing with the date of the enactment of this ordinance and expiring on the date of the Annual Town Meeting in 1 year from that time.

107.5.2 - Following the establishment of the initial Board of Trustees, vacancies in the Board of Trustees, by expiration of the term of office or otherwise, shall be filled by appointment by the Board of Trustees of a person to fill each such vacancy, as the vacancy occurs, subject to confirmation by the President of the Board of Trustees to the Board of Selectmen within ten (10)

days of the date of the appointment. The Board of Selectmen shall act on confirmation of the appointment within thirty (30) days of its receipt of that report.

107.5.3 - Each new appointee shall assume office, and that appointee's term of office shall commence, upon confirmation of that appointee by the Board of Selectmen.

107.6 - Officers of the Board of Trustees

107.6.1 - The Board of Trustees, at its first organizational meeting following the Annual Town Meeting, shall elect a President, a Vice President, and a Secretary from among the members of the Board. The foregoing officials shall be the officers of the Board of Trustees and shall serve in the capacity for a term of one (1) year, or until his/her successor shall be elected by a subsequent Board of Trustees.,

107.6.2 - In the event that a vacancy occurs in any of the foregoing offices, then the Board of Trustees shall elect a successor from among the existing members of the Board to fill the unexpired term of that officer. The Board of Trustees is further authorized to elect such other officers of the Board as the Board deems necessary for the management and maintenance of the Public Library, including the appointment of committees of the Board of Trustees to perform functions and duties of the Public Library on behalf of the Board of Trustees.

107.7 - Meeting of the Board of Trustees

Meetings of the Board of Trustees shall be held at such times as the board may, from time to time, determine. Special meetings of the Board of Trustees may be called by the President or, in the case of the disability or absence of the President, by the Vice President, upon notice to each Board member of each such special meeting, no less than three (3) days prior to each such special meeting.

107.8 - Powers, Authority and Duties of the Board of Trustees

The Board of Trustees shall have the power, authority and duty to manage and to control the Public Library, and all things connected with the Library, including the authority to:

107.8.1 - Oversee the hiring and supervision of all employees of the library.

107.8.2 - Accept gifts to the Library on behalf of the town.

107.8.3 - Purchase and arrange for the purchase of all books, materials and supplies for the Library.

107.8.4 - Appoint a head librarian, subject to confirmation by the Board of Selectmen.

107.8.5 - Remove the head librarian from office, for cause, after notice and a hearing, or without cause during probationary period set forth in the Personnel Policies of the Town.

107.8.6 - Direct the expenditure and investment of Library funds.

107.8.7 - Establish rules and regulations for the operation and management of the Library and Reading Room, and for the use of those facilities by the inhabitants of the Town and by inhabitants of other towns and communities; and

107.8.8- Engage in all functions and perform all duties required for the operations of the Library.

107.9 - Appointment of Head Librarian

107.9.1 - The day-to-day management of the Thomaston Public Library shall be conducted by a Head Librarian who shall be appointed by the Board of Trustees, subject to confirmation by the Board of Selectmen. The term of office of the Head Librarian shall be one (1) year, from April 1 to March 31 of each calendar year. Upon confirmation of the appointment by the Board of Selectmen, the Head Librarian shall be an employee of the Town during that term of office.

107.9.2 - Subject to the completion of a probationary period as set forth in the Personnel Policies of the Town of Thomaston, the Head Librarian may be removed, for cause, by the Board of Trustees, after notice and a hearing by the Board of Trustees in accordance with law. A vacancy in the position of Head Librarian shall be filled through appointment by the Board of Trustees, subject to confirmation by the Board of Selectmen.

107.9.3 - The Head Librarian shall be the chief administrative officer of the Thomaston Public Library, and shall be responsible to the Board of Trustees for the proper administration of all library affairs, in accordance with the instructions and direction of the Board of Trustees.

107.10 - Powers and Duties of Head Librarian

The powers and duties of the Head Librarian shall be as follows:

107.10.1 - To employ library employees to assist in the operations of the Library, subject to confirmation by the Board of Trustees.

107.10.2 - To remove employees of the Library from office in accordance with the procedures authorized by 107.11.

107.10.3 - To prepare, in conjunction with the Board of Trustees, a budget for the Thomaston Public Library and to submit that budget to the Town Manager.

107.10.4 - To prepare and submit, as of the end of each year, a complete report of the finances and administrative activities of the Library for the preceding year, to be included in the Annual Report of the Town.

107.10.5 - To attend meetings of the Board of Trustees, except when excused by that board.

107.10.6 - To act as a purchasing agent for the Library, subject to the supervision of the Board of Trustees and subject to the applicable rules and regulations of the Town.

107.10.7 - To provide for the maintenance of all Library equipment.

107.10.8 - To provide training for Library personnel; and

107.10.9 - To perform such other duties as may be delegated to the Head Librarian by the Board of Trustees, when such duties are not inconsistent with this ordinance.

107.11 - Assistants to Head Librarian

To assist the Head Librarian in carrying out the duties of that office, additional Library personnel may be appointed by the Head Librarian, subject to confirmation by the Board of Trustees. Library personnel shall be appointed for a term of one (1) year, unless removed from office for cause after notice and hearing, or by resignation or retirement, or without cause for any probationary employee.

107.12 - Library Budget

The Board of Trustees shall be responsible for the preparation of an annual budget, with the assistance of the Head Librarian and the Treasurer of the Board of Trustees, and for the submission of that budget to the Board of Selectmen. The Board of Trustees shall submit a statement of the annual Library budget to the Board of Selectmen no later than sixty (60) days prior to the date of each Annual Town Meeting. The Board of Selectmen shall consider each such budget and approve that budget. The annual budget for the Library shall show the investment of all funds, the expenditures anticipated for the operations of the Library for the budgetary year, and the town financial assistance, if any, for said year.

107.13 - Expenditures

The Board of Trustees shall consider and approve all expenditures for the library. All such expenditures shall also be approved by the Board of Selectmen. The Head Librarian and the Treasurer of the Board of Trustees shall be responsible monthly for the preparation of a request for expenditures, together with vouchers, for presentation to the Board of Trustees and to the Board of Selectmen in connection with each warrant for the authorization of expenditures for the Library. Each such statement shall be submitted to the Town Manager for presentation to the Board of Selectmen, a reasonable period of time in advance of a Selectmen's meeting, in order to permit the selectmen to review and to act upon each such request for expenditures.

107.14 - Donations and Library Funds

All funds that have been donated to the Town of Thomaston or to the Library Board of Trustees for the use of the Thomaston Public Library shall be held in the name of the Town as funds designated for the Town's Public Library. The Board of Trustees shall be responsible for the investment and management of all such Library funds of the Town, or funds resulting from donations to the Town for Library purposes. All funds for the Library, all income thereon, and all Library expenditures shall be separately identified as the Library Department of the Town.

107.15 - Applicability of Personnel Policies

Except as otherwise stated in this ordinance, all Library employees, including Head Librarian, shall be subject to the Personnel Policies of the Town of Thomaston.

107.16 - Enactment

This ordinance shall take full force and effect on the date of enactment of this ordinance at Town Meeting of the Town of Thomaston.

107.16.1 - Upon enactment of this ordinance, this ordinance shall supersede "An Ordinance for the Establishing and Maintaining a Public Library" which was enacted on March 28, 1898, and that 1898 ordinance is hereby repealed. All Library facilities, including equipment and Library supplies and materials, shall be transferred to the Thomaston Public Library, and the Board of Trustees thereof, as established by this ordinance.

ARTICLE VIII

Section 108 - Recreation Committee

108.1 - Establishment

Pursuant to Title 30-A, MRSA Section 3001, the Town of Thomaston hereby establishes a Recreation Committee which shall be appointed by a majority vote of the Board of Selectmen.

The composition of the Recreation Committee shall be as follows:

- 108.1.1 - Seven voting members of the general public who are residents of the Town of Thomaston.
- 108.1.2 - Two alternates who will have voting rights only upon the absence of a voting member.
- 108.1.3 - One senior citizen, non-voting capacity.
- 108.1.4 - One high school student, non-voting capacity.
- 108.1.5 - The Recreation Committee will elect a Chairman, Vice Chairman and Recording Secretary following the annual town meeting.
- 108.1.6 - Members of the Recreation Committee shall serve without compensation.

108.2 - Purpose

108.2.1 - The purpose of this ordinance is to establish a recreation Committee to set policy and act in an advisory capacity to the Recreation Director in an effort to bring to the citizens of Thomaston, recreational opportunities offered to various age groups.

108.2.2 - The Recreation Committee's responsibilities shall be limited to the proper and orderly functioning of any and all Recreation Committee activities supported by the Town of Thomaston. The Recreation Committee shall establish rules for a reasonable level of decorous conduct for all activities that will include coaches, participants and the public, The Director shall have the full support of the Recreation Committee in maintaining these rules.

108.2.3 - The Recreation Committee will assist the Director in determining the needs of the community and advising him/her on the reception of programs by the public.

108.3 - Terms

108.3.1 - Recreation Committee members shall serve for terms of three years; except that they shall continue in office until their successors are appointed.

108.4 - Vacancies

108.4.1 - Vacancies shall be filled within 45 days of resignation or the expiration of a term by appointment of the Board of Selectmen.

108.4.2 - A vacancy may also be considered to occur when any member fails to attend 70% of all regularly scheduled meetings annually. At which time, by two thirds majority vote, the Recreation Committee will declare the position vacant and, in writing, request the Board of Selectmen to fill same within 45 days. The attendance provision may be waived by a unanimous vote of the remaining members of the Recreation Committee.

108.4.3 - Members of the Recreation Committee may be removed from the Committee by a majority vote of the Board of Selectmen, for cause, after notice and hearing by the Board of Selectmen.

108.4.4 - Potential new members and members up for re-nomination shall submit a written request to the Town Clerk for consideration by the Board of Selectmen. Candidates must also appear before the board for appointment.

108.5 - Powers and Duties

- 108.5.1** - The Recreation Committee shall meet with the Recreation Director monthly at a specified place and time. Additional meetings may be called as deemed necessary.
- 108.5.2** - All meetings will be covered by an agenda approved by the Director that will be posted on the door of the Town Office, a minimum of 24 hours in advance of that meeting as provided by the Right-to-Know Law.
- 108.5.3** - The Chairman shall preside at all meetings unless unavoidably absent. At which time, the Vice Chairman shall preside. The secretary shall maintain a record of all proceedings including all correspondence of the Committee. All meetings and records shall be subject to the Right-to-Know Law, and a copy of all minutes shall be kept on file in the Town Office.
- 108.5.4** - The Recreation Committee's secretary shall submit minutes of all meetings to all other committee members, the Director, and the Town Clerk.
- 108.5.5** - Duty of the Recreation Committee is to take an active part in the direction of recreation for the Town of Thomaston.
- 108.5.6** - A quorum of the Recreation Committee necessary to conduct business shall consist of at least a majority of the sworn_members but never less than four (4) members.
- 108.5.7** - All new programs recommended by the Recreation Director, Committee Member or the General Public, shall be reviewed and approved by a majority vote of the Recreation Committee, Said new programs shall then be approved by the Recreation Director and the Town Manager, within the budget constraints or the Town Meeting Approval for funding.
- 108.5.8** - The Recreation Director shall prepare the Annual Budget and submit it to the Town Manager for annual budget approval. The Recreation Committee shall review the Director's budget and make a recommendation, in writing, to the Budget Committee and Board of Selectmen during the annual process.
- 108.5.9** - The Recreation Committee shall periodically review the status of the approved budget with the Director.
- 108.5.10** - In the event of a vacancy in the position of Director, the position is to be filled under the Personnel Ordinance.
- 108.5.11** - The Director with the help of the Recreation Committee shall be responsible for all recreational assets, both managing and maintenance
- 108.5.12** - The Director with the help of the Recreation Committee has overall responsibility for development and implementation of all recreational programs.
- 108.5.13** - The Director with the help of the Recreation Committee may negotiate with MSAD #50 as necessary within the appropriation.
- 108.5.14** - The Director shall annually submit an annual report as well as current inventory to the Town Clerk.
- 108.5.15** - *Repealed 2005.*
- 108.5.16** - All activities undertaken by the Board of Selectmen and in the name of the Town shall be held separate and apart from any other recreation association or support group engaged in raising funds other than those voted by the Town Meeting.
- 108.5.17** - The Director may vote in the event of a tie vote on any and all issues before the Recreation Committee.
- 108.5.18** - The Recreation Committee may adopt rules of procedure consistent with this ordinance.

108.6 - Severability

108.6.1 - It is the intention of the Citizens of Thomaston that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Citizens of Thomaston that if any of the provisions of this ordinance be declared invalid, all other sections shall remain valid and effective.

108.6.2 - This ordinance may be amended by a majority vote of the Citizens of Thomaston.

108.6.3 - This ordinance will be in full force and effect upon a majority vote of the Citizens of Thomaston.

108.6.4 - All existing policies of the Town of Thomaston insofar as they are inconsistent with the provisions of this ordinance are hereby repealed.

108.7 – Amendments [Note: As enacted; makes no sense.]

108.7.1 - Town vote;

108.7.2 - Selectmen may initiate, majority of Committee, or petition;

ADOPTED: JUNE 22, 1999 AT THOMASTON ANNUAL MEETING

AMENDED: JUNE 15, 2005 AT THOMASTON ANNUAL MEETING

ARTICLE IX
Section 109 – Thomaston Academy

109.1 – Reserved for future use.

ARTICLE X
Section 110 – Watts Block

110.1 – Reserved for future use.

ARTICLE XI
Section 111 – Thomaston Historical

111.1 – Reserved for future use.

ARTICLE XII

Section 112 - Conservation Commission Ordinance

112.1 - Establishment and Purpose

There is hereby established a Conservation Commission for the *Town of Thomaston* to consist of seven (7) members to be appointed by the town select board pursuant to the authority provided in Title 30A, Section 3261, M.R.S.A., as amended. It is the intent of the *Town of Thomaston* to establish a conservation Commission in order to maintain or enhance the conservation of natural or scenic resources, to protect natural streams or water supplies, to promote conservation of swamps, wetland, beaches or tidal marshes, to enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, and to affect or enhance public recreation opportunities.

112.2 - Appointment and Term

112.2.1 - Each member of the Thomaston Conservation Commission (TCC) shall be appointed by the town select board for a three (3) year term, except that with respect to the initial appointments, two (2) members shall be appointed for a one (1) year term, two members shall be appointed for a two (2) year term and three (3) members shall be appointed for a three (3) year term.

112.2.2 - The TCC may recommend to the select board the appointment of associate members to assist the TCC, as required. Associate members shall be non-voting members. Their terms shall be for one year and may be renewed an unlimited number of times.

112.3 - Duties and Responsibilities

112.3.1 - The TCC shall manage any town owned property assigned to it by the select board or by vote of the town at any special or annual town meeting for conservation purposes as outlined in Section 112.1 of this Ordinance. The TCC may acquire land or any interest therein in the name of the municipality with the approval of the town by vote of any special or annual town meeting, and may accept gifts of land, money or easements for conservation purposes.

112.3.2 - The TCC may promote conservation by coordinating the activities of conservation bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary. It may investigate areas, publicly owned within the municipality, including marsh lands, swamps and other wet lands, for the purpose of obtaining information pertinent to proper utilization, protection, development or use of such areas and may recommend to the municipal officers or any municipal body or board, or any body politic, or public agency of the State of Maine a program for the better utilization, protection, development or use of such areas which may include the acquisition of conservation easements. The TCC shall, prior to making recommendations pursuant to this section submit its recommendations to the Planning Board at least thirty (30) days in advance.

112.3.3 - The TCC shall carry out any other duties and responsibilities assigned to it by the select board.

112.4 - Meetings

112.4.1 - The TCC shall meet every month unless it agrees to meet more frequently. Except when otherwise provided by vote of the TCC, all meetings shall be conducted by Robert's Rules of Order. The TCC shall establish a regular meeting time and place in a public building. The TCC shall notify the Town Clerk of its regular meeting time and place and shall arrange to have an appropriate notice posted at the town office.

112.4.2 - The TCC shall keep records of its meetings and activities and shall make an annual report to the municipality to be published as part of the Annual Municipal Report.

112.5 - Voting and Quorum

The TCC's decision shall be made by vote of the majority of the members present and voting provided a quorum is present. A majority of the members appointed and serving on the TCC shall constitute a quorum.

112.6 - Expenditures

The TCC may submit a request for an annual budget to the select board in accordance with the procedures generally governing such requests from other not apply for grants or accept gifts on behalf of the town except with the approval of the Town Meeting or the select board pursuant to state law.

ADOPTED: JUNE 3, 1996 AT THOMASTON ANNUAL MEETING

ARTICLE XIII

Section 113 - Public Property & Roadside Waste & Refuse Ordinance

113.1 – General

Any rubbish and or garbage found on or off roadways, lanes, woods roads, cemeteries or any other public property, that contains the name or names and addresses of people, living or recently deceased, shall be prima facie evidence of littering and such person or persons as whose name or identities (initials, social security numbers, nick names, etc.), that are found in such litter, or in the case of persons deceased, their legal heirs or executors, shall be guilty of littering and shall pay current court cost plus any clean-up costs incurred by the Town of Thomaston under the authority of this ordinance.

ADOPTED: JUNE 22, 1999 AT THOMASTON ANNUAL MEETING

ARTICLE XIV

Section 114 - Thomaston Road Naming and Numbering Ordinance

114.1 - Purpose

The purpose of this ordinance is to enhance and rapid location of the properties by law enforcement, fire and emergency rescue personnel in the *Town of Thomaston*.

114.2 - Authority

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30 M.R.S.A. Section 3001.

114.3 - Administration

This ordinance shall be administrated by the Thomaston Road Naming and Numbering Officer as appointed by the Board of Selectmen, or the designated assistant to the Road Naming and Numbering Officer, who shall be authorized to assign road names and numbers and all properties, both on existing and proposed roads, in accordance with the criteria in Section 114.4 and 114.5 of this ordinance. The addressing officer shall also be responsible for maintaining the following official records:

114.3.1 - An official map of Thomaston showing road names and numbers.

114.3.2 - An alphabetical list of all property owners by last name showing current numbered street addresses.

114.3.3 - An alphabetical list of all property owners in order of the assigned numbers.

114.4 - Naming System

All roads that serve two or more properties shall be named regardless of whether ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way or similar paved, gravel or dirt through-fare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned shall not constitute or imply acceptance of the road as a public way. The following shall govern the naming system

114.4.1 - No two roads shall be given the same name.

114.4.2 - No two roads shall have similar sounding names, unless the name is two words vs. one, i.e. Elm Street and Elm Street Court.

114.4.3 - Each road shall have the same name throughout its entire length with the exception of U.S. Route One

114.5 - Numbering System

Numbers shall be assigned every fifty (50) feet except where the population density requires a change, along both sides of the road, with even numbering appearing on the left side of the road and odd numbers appearing on the right side of the road. With the exception of Main Street, which shall be numbered from East to West.

114.5.1 - All number origins shall begin from the designated location, being the flag pole located on the Corner of Knox & Main Streets. For Dead end roads, numbering shall originate at intersection of the adjacent road and terminate at the dead end.

114.5.2 - The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door can not be seen from the main road, the number shall be that of the interval falling closest to the driveway of said structure.

114.5.3 - Every structure with more than one principle use or occupancy shall have a separate number for each occupancy.

114.6 - New Construction and Subdivision

All new construction and subdivisions shall be named as follows:

114.6.1 - Whenever any residence or other structure in constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Road Naming and Numbering Officer or his designated assistant at the time of issuance of the building permit.

114.6.2 - Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Road Naming and Numbering Officer or his designated assistant, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet to aid in the assignment numbers to structures subsequently constructed.

114.7 - Location of Roadside Mailboxes

It shall be the responsibility of the property owner to locate a roadside mailbox a minimum of three (3) feet in from the edge of the paved way or one and half (1-1/2) feet from the inside edge of any sidewalk. Location of any mailbox located between the outer edge of a sidewalk and the paved way is prohibited. The *Town of Thomaston* shall not be held responsible for any mailbox damaged during snow removal that fails to comply with this provision. (This section was added by vote of the Town Meeting and became effective on June 19, 2001)

114.8 - Effective Date

This ordinance shall become effective as of June 9, 1997. It shall be the duty of the Thomaston Road Naming and Numbering Officer or his designated assistant to notify by mail each property owner and the post office of a new address at least thirty (30) days before the effective date of its use. It shall be the duty of each property owner to comply with this ordinance.

ADOPTED: JUNE 9, 1997 AT THOMASTON ANNUAL MEETING

AMENDED: JUNE 19, 2001 AT THOMASTON ANNUAL MEETING

ARTICLE XV

Section 115 – Special Amusement Ordinance and Permits

115.1 - Applicability

This Ordinance shall be applicable to all proceedings, applications and petitions commenced after November 30, 1999, which is the date of this ordinance.

115.2 - Repeal

All ordinances or parts thereof, inconsistent with the terms and provisions of this Ordinance, are hereby replaced.

115.3 - Authority

This Ordinance is enacted pursuant to Title 28-A, M.R. S.A., Section 1054 and Title 30-A, M.R.S.A., Section 300L.

115.4 - Purpose

The purpose of this Ordinance is to control the issuance of special amusement permits as required by 28-A M.R.S.A., Section 1054, for music, dancing or entertainment of facilities licensed by the state to sell liquor. Entertainment shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional or amateur entertainers, by patrons, or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

115.5 - Severability

If any section, subsection, sentence or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.

115.6 - Penalty

Except as otherwise provided by state law, anyone found guilty of violating any provision of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) to be recovered for the use of the Town of Thomaston and shall be subject to such other legal and equitable remedies as may be available to the Town, each day such violation continues, shall be deemed to be a new offense.

115.7 - Application

No licensee for the sale of liquor to be consumed on the applicant/applicants licensed premises shall permit on the licensed premises any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained, from the Board of Selectpersons, a special amusement permit. Applications for all special amusement permits shall be made in writing to the Board of Selectpersons and shall state:

- 115.7.1 The name of the applicant;
- 115.7.2 The applicant/applicants resident address;
- 115.7.3 The name of the business to be conducted;
- 115.7.4 The applicant/applicants business address;
- 115.7.5 The nature of the applicant/applicants business;
- 115.7.6 The location to be used;
- 115.7.7 Whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances; and
- 115.7.8 Whether the applicant, including all partners, corporate officers, managers or principal employees has ever been convicted of a felony or a Class A, B or C crime within the past five years and, if so, the applicant shall describe specifically those circumstances; and
- 115.7.9 Any additional information as may be required by the Board of Selectpersons prior to the issuance of the permit, including but not limited to a copy of the applicant's current liquor license.

115.8. - General Requirements

- 115.8.1 No special amusement permit shall be issued for any thing or act or premises, if the premises and buildings to be used do not fully comply with all ordinances, codes, and regulations of the Town.
- 115.8.2 The application fee for a special amusement permit shall be as set by order of the Town of Thomaston Board of Selectpersons and on file in the Town Clerk's office and is nonrefundable and must be paid when application is made for the permit.
- 115.8.3 A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee as defined in the Maine Revised Statutes who has been issued a special amusement permit may charge admission in designated areas approved in the permit.
- 115.8.4 All music, dancing and or entertainment subject to regulation under this ordinance, on the premises, shall end no later than 12:45 A.M.
- 115.8.5 The maximum permissible sound pressure level produced by any music, dancing and/or entertainment on the premises shall not exceed 55 dB, measured four (4) feet above ground at the property boundary; this measure shall be made by a meter set on the A-weighted response scale, slow response, and the meter shall meet the American National Standards Institute (ANSI S 1.4-1961) "American Standard Specification for General Purpose Sound Level Meters"- as set out in performance standards the Town of Thomaston Ordinance.

115.9 - Conduct Constituting Offenses by Licensees

- 115.9.1 Tumultuous Conduct** - The Licensee shall not knowingly allow on any licensed premises any person or persons to disturb, tend to disturb, or aid in disturbing the peace of others of ordinary sensibilities or be disorderly by violent, tumultuous, offensive or obstreperous conduct; or to permit or gather a crowd, or audience, or patrons to witness any entertainment, amusement, or show as to create a dangerous condition because of fire or other risks in derogation of the public health, comfort, convenience, safety, or welfare.
- 115.9.2 Riots** - The Licensee shall not allow on any licensed premises any public entertainment or amusement or show of any kind which tends to or is calculated to cause or promote any riot or disturbance.
- 115.9.3 Unnecessary Noise** - The Licensee shall not allow on any licensed premises the making, creation, or maintenance of excessive, unusually loud noise which disturbs, annoys, injures or

prejudices, or endangers the comfort, repose, health, peace, or safety of individuals of ordinary sensibilities or the public in general, or the property rights of others, and which noises affect and are a detriment to public health, comfort, convenience, safety, welfare, or the prosperity of the residents of the municipality.

115.9.4 Nuisances - The Licensee shall not allow any licensed premises to be so conducted or operated as to amount to a nuisance in fact under any ordinances, or any sections of any ordinances or rules and regulations of the municipality, or under any statutes of the State of Maine. .

115.9.5 Prostitution and Public indecency - The Licensee shall not allow on any licensed premises or aid in or offer or agree to or allow near such licensed premises any prostitution, or prostitutes, or any public indecency under any or in derogation of any statutes of the State of Maine; or any meretricious display, or lewd act, or act of moral perversion, or knowingly receive, or offer or agree to receive any person on such licensed premises for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or public indecency, or to knowingly permit any person to remain on such licensed premises for any such purpose, or to aid, abet, allow, permit, or participate in the commission of any such acts.

115.9.6 Gambling - The Licensee shall not allow on any licensed premises the use or occupancy thereof for gambling or games of chance as prohibited by the statutes of the State of Maine.

115.10 - Obscenity.

The Licensee, on any licensed premises, shall not:

115.10.1 Material. Knowingly disseminate, distribute or make available to the public any obscene material; or

115.10.2. Performance. Knowingly make available to the public any obscene performance; or

115.10.3 Commercial Activity. Knowingly engage in commerce and/or the commercial gain with materials depicting and describing explicit sexual conduct, nudity, or excretion utilizing displays, circulars, advertisements, or any other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or

115.10.4 Exposure. Provide service to patrons in such a manner as to expose to public view:

1. The Licensee's or any of his agent's or employee's genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
2. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
3. Any portion of the female breast at or below the aureole thereof; or

115.10.5 Promotion. Knowingly promotes the commission of any of the above listed acts of this section.

115.11 - Amendments: [Note: As enacted.]

115.12 - Classes and Fees

115.12.1 The fee for a special amusement permit shall entitle the applicant to one (1) of the following classes of permits:

1. **Class I.** Permit for live performances of music, provided nevertheless that the Class I permit shall limit the holder of same to three (3) live musicians or singers performing within the restaurant structure. No dancing or floor show entertainment shall be allowed on the premises holding a Class I permit.

2. **Class II.** All of the privileges allowed in a Class I permit plus dancing within the restaurant structure to recorded or live music with no limitation upon the number of live musicians or singers.

3. **Class III.** All of the privileges allowed in Class I and Class II permits plus a floor show type of entertainment within the restaurant structure.

115.12.2 The entertainment allowed under any class of permit provided for herein shall be conducted at a level which complies with the provisions of Section 115.8.5 of this ordinance. Permits issued hereunder shall specify the hours during which permitted entertainment may be provided.

115.12.3 An applicant may apply for any of the above three (3) classes of permit

115.13 - Hearing.

115.13.1 The Board of Selectpersons shall, prior to granting a special amusement permit and after reasonable notice to the town residents and the applicant, hold a public hearing within thirty (30) days of receipt of a completed application, at which hearing the testimony of the applicant and that of any interested members of the public shall be taken.

115.13.2 Prior to obtaining a permit, the applicant must show at the public hearing required in this section that:

1. The issuance of the requested permit will not be detrimental to the public health, safety, or welfare;
2. The proposed activity to be licensed will not create a traffic hazard;
3. The applicant has ample parking to accommodate the proposed activity;
4. The proposed activity will not, either by reason of its scope or noise, adversely affect surrounding or abutting property and that it will not unreasonably interfere with the use, enjoyment and value of surrounding and/or abutting property;
5. The applicant is in conformance with all provisions of the town zoning ordinance, all applicable health codes, and other applicable municipal, state and federal codes, ordinances, regulations and statutes;
6. In the case of a facility located in a residential zone, that the activities will not tend to change the residential character of the neighborhood.
7. Neither the applicant nor its officers, agents, or principle employees has been convicted of a felony or Class A, B, or C crime within the past five years.

115.13.3 In making the determination of whether the applicant has satisfied the criteria set forth in 115.13.2 above, the Board of Selectpersons shall consider, but shall not be bound by neighborhood opinion and sentiment.

115.14 - Term of Permit

A special amusement permit shall be valid only for the license year of the applicant's existing liquor license.

115.15. - Inspections

115.15.1 Whenever inspections of the premises used for or in connection with the operation of a licensed Business which has obtained a special amusement permit are approved for or required by ordinance or state law or are reasonably necessary to secure compliance with any town ordinance, code or regulation or stale law, it shall be the duty of the licensee, or the person in

charge of the premises to be inspected, to admit any officer, official, or employee of the town authorized to make the inspection at any reasonable time that admission is requested.

115.15.2 Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or detect violations thereof, it shall be the duty of the licensee, or person in charge of such premises, to give any authorized officer, official or employee of the Town requesting the same, sufficient samples of such material or commodity for such analysis or investigation upon request

115.15.3 In addition to any penalty which may be provided, the Board of Selectpersons may revoke the special amusement permit of any licensee who refuses to permit any such officer, official or employee to make an inspection or who interferes with such officer, official or employee while in the performance of his duty, provided that no license or special amusement permit shall be revoked unless a written demand for the inspection is made upon the licensee or person in charge of the premises at the time it is sought to make the inspection.

115.16 - Suspension or Revocation

The Board of Selectpersons may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permit which has been issued under this ordinance on the grounds that the music, dancing, or entertainment permitted constitutes a detriment to the public health, safety or welfare or violates any town regulations, ordinances, or rules or determines that the application was false or misleading in a fashion material to the approval.

115.17 - Appeals

115.17.1 Any licensee requesting a special amusement permit from the Board of Selectpersons shall be notified in writing of their decision no later than thirty (30) days from the date his application was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days after an application for a permit has been denied.

115.17.2 Any licensee who has requested a permit and has been denied or whose permit has been revoked or suspended may, within thirty (30) days from the date

115.18 - Rules and Regulations for Special Use Permits

The Board of Selectpersons is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension and revocation of special amusement permits; the classes or permits; the music, dancing or entertainment permitted under each class; and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this division.

ADOPTED: NOVEMBER 30, 1999

ARTICLE XVI

Section 116 – Radioactive & Hazardous Waste Disposal

116.1 - Prohibited

The disposal or storage of hazardous wastes of the type and in the quantity as designated under the U.S. Clean Water Act, Section 311, Public Law 92-500, and/or the disposal or storage of radioactive waste material as defined by 38 MRSA § 361-D 1.B., within the boundaries of the Town of Thomaston, Maine is prohibited.

116.2 - Exceptions

Any request for an exception to this prohibition shall be submitted in writing to the Selectmen and brought to the whole town of Thomaston acting as the body politic, to be voted on by all bona fide voters present at a Town Meeting.

116.3 - Violations

Any person to be found in violation of this Ordinance shall be subject to a fine of not more than one thousand dollars (\$1,000.00) and not less than two hundred fifty dollars (\$250.00) for each offence. Each day in which a violation occurs shall constitute a separate offence.

ADOPTED: MARCH 31, 1981

ARTICLE XVII

Section 117 – Town of Thomaston Consumer Fireworks & Sky Lantern Ordinance

117.1 Purpose:

The purpose of the Consumer Fireworks Ordinance is to protect the public health, safety, and welfare of the Town of Thomaston by prohibiting the use of Consumer Fireworks that pose a risk of starting uncontrolled fires, injuring persons and disturbing the peace and quiet enjoyment of residential property owners.

117.2 Title and Authority:

This ordinance shall be known as the Town of Thomaston Consumer Fireworks Ordinance. It is adopted pursuant to the enabling provisions of the Maine Constitution and the provisions of 30—A M.R.S.A. 3001 et seq. and 8 M.R.S.A. 221-A.

117.3 Definitions:

Consumer Fireworks is defined in 8 M.R.S.A. 221-A as follows:

“Consumer fireworks” has the same meaning as in 27 Code of Federal Regulations, section 555.77 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer fireworks” does not include the following products:

1. *Missile-type rockets*, as defined by the State Fire Marshal by rule;
2. *Helicopters and aerial spinners*, as defined by the State Fire Marshal by rule; and
3. *Sky rockets and bottle rockets*. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.
4. *Sky Lanterns*: An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a source to heat the air inside of the lantern to cause it to lift into the air including “sky candles”, “air paper lanterns”, and other similar devices designed to be levitated by open flame and released into the air uncontrolled.

27 Code of Federal Regulations section 555.11 defines Consumer Fireworks as follows:

Consumer fireworks. Any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the US. Consumer Product Safety Commission, as set forth in title 1, Code of Federal Regulations, parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or

less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336, and UN0337 by the US. Department of Transportation at 49 CFR 172.101. This term does not include fused set pieces containing components which together exceed 50 mg of salute powder. (See 27 Code of Federal Regulations section 555.11)

117.4 Use and Sale prohibited:

No person may use or sell or possess with the intent to sell or offer for sale Consumer Fireworks or Sky Lanterns within the Town of Thomaston.

EXCEPTION:

1. Any property owner or citizen of Thomaston who intends to use CONSUMER FIREWORKS shall be allowed to do so by adhering to the following requirements:
 - a. Obtain a permit for consumer fireworks display from the Board of Selectmen at least one month in advance.
 - b. Written proof of adequate insurance coverage.
 - c. Evidence of notification of abutters within ten days presented to the Board of Selectmen.
 - d. Employ a State of Maine licensed fireworks technician to shoot the display and who can confirm the location meets safety requirements.

117.5 Fireworks display:

This Ordinance does not apply to a person issued a fireworks display permit from the Maine Commissioner of Public Safety or his or her designee under the provisions of 8 M.R.S.A. §§ 221-237, and particularly Section 227-A. A fireworks display shall comply with all federal, state, and local laws, ordinances, and regulations.

117.6 Penalty:

Penalty for Sale or Use Violation.

Any person who violates this ordinance shall commit a civil violation punishable by a penalty of two hundred and fifty dollars (\$250.00) plus attorney's fees and costs for the first offense, and a penalty of one thousand dollars (\$1,000.00) plus attorney's fees and costs for subsequent offenses. Each such violation shall constitute a separate violation.

117.7 Enforcement:

Violations of this Consumer Fireworks Ordinance shall be enforced by the Thomaston Police Department and/or any Maine based Law Enforcement Agency with the authority to issue a summons.

117.8 Injunction:

In addition to any other remedies available at law or equity, the Town of Thomaston, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

117.9 Seizure and Disposal of Consumer Fireworks:

The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

ADOPTED: JUNE 10, 2014