



Amended August 4, 2020
Effective August 25, 2020

PUBLIC SAFETY ORDINANCE

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ARTICLE I. FIRE PREVENTION

***State law references:** Regulation of open burning, 12 M.S.R.A. §§ 9321-9326.

Sec. 1-1. Codes adopted.

The city hereby adopts under authority of Title 30-A MRSA section 3003, for the purpose of prescribing regulations and governing conditions hazardous to life and property from fire or explosion, those certain codes known as the International Building Code, the latest edition of the Uniform Fire Code (*N.F.P.A. 1*), and the latest edition of the Life Safety Code (*N.F.P.A. 101*), as recommended by the National Fire Protection Association, being the whole thereof, of which codes not less than one (1) copy has been and is now filed in the office of the clerk of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 1-2. Application and interpretation of codes.

Wherever there appear inconsistent provisions between the Uniform Fire Code and the Life Safety Code, the stricter or more stringent of the provisions shall apply and prevail. The fire chief or his designee, in his discretion, shall determine which of the two (2) provisions is the stricter or more stringent, and the same shall apply.

Sec. 1-3. Power to modify codes; recording required.

The Fire Chief or his designee shall have power to modify any of the provisions of the Uniform Fire Code and Life Safety Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief or his designee thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 1-4. Permits Required.

Any person and/or business who by nature of storage, manufacturing, or use of hazardous and/or explosive material determined to have potential to create an additional public safety concern or may require additional fire department services shall be required to obtain a permit from the Fire Chief or his/her designee.

Sec. 1-5 Inspection Required.

Prior to the approval of any permit or license, including but not limited to liquor licenses, victualer licenses, lodging licenses, special amusement, blasting, explosives, hazardous materials, or fireworks permit, the Fire Chief or his/her designee shall have the authority to require an inspection of the activity site prior to approval of an application.

Sec. 1-6 Authority to Enter Buildings

Any application for, or acceptance of, any license or permit requested or issued pursuant to this ordinance shall constitute agreement and consent by the person making the application or accepting the license or permit (licensee) to allow the Fire Chief or his/her designee to enter the premises at any reasonable time after licensee receives notice to conduct such inspections as required by the Code and in accordance with Title 25 MSRA §2359.

Sec. 1-7 Permit Fees

The City Manager with assistance from the Fire Chief shall be responsible for presenting recommendations of a permit fee schedule to the City Council. Such fee schedule is to be amended from time to time by majority vote of the Waterville City Council.

Sec. 1-8. Storage limits of flammable materials above ground.

The limits and above ground storage practices of flammable/combustible liquids or gases shall be made compliant to appropriate Code regulations. In addition, the locations of above ground storage shall be subject to the Zoning Ordinances of the City of Waterville.

Sec. 1-9. Placement of dumpsters.

Any dumpster must be placed at least twenty (20) feet from any surrounding building, unless the owner of the dumpster obtains a permit from the fire chief or his designee. Such permit shall be granted if the proposed location of the dumpster does not present a fire danger to surrounding buildings.

Sec. 1-10. Unauthorized use of dumpster.

No one may place garbage or trash in a privately-owned waste receptacle without the express permission of the owner. No one may place garbage or trash gathered from a residence or place of business in a publicly-owned waste receptacle.

Cross references: Solid Waste Ordinance of the City of Waterville.

Sec. 1-11. Cost Recovery Billing Authorized:

Any person and/or business who shall receive fire department services requested by such person or on behalf of such person by any other person acting in good faith and in the interest of the health or safety of such service shall pay to the City of Waterville a fee for services in accordance with Section 1-12 of this ordinance.

Sec. 1-12. Billable Costs Associated with Personnel and Apparatus:

- Response to fire permit violations;
- Response to a hazardous materials incident;
- Response to a vehicle crash and/or vehicle fire;
- Response to an aircraft crash and/or aircraft fire;
- Response to false fire and/or sprinkler alarms;
- Response to a water related emergencies;
- Standby for utility lines in the roadway;
- Any other incident as determined by the Fire Chief.

Sec. 1-13. Cost Recovery Billing:

The City shall use a third-party billing agency for claims made to insurance companies as provided by law and shall add other type incidents as allowed by law.

Sec. 1-14. Denial of Services:

Fire Department services shall not be denied to or withheld from any entity because of lack of insurance or refusal of payment.

Sec. 1-15. Cost Recovery Billing Rates & Fees:

The City Manager with assistance from the Fire Chief shall be responsible for presenting recommendations of a fee schedule to the City Council. Such fee schedule is to be amended from time to time by majority vote of the Waterville City Council.

Sec. 1-16. Revenues:

All revenues received from cost recovery or permits shall be placed in the Fire Rescue Reserve Account to the accounts limit of \$150,000.00 as set by the City Council. Any amount received above this limit shall be placed in City of Waterville General Fund or as directed by the Waterville City Council.

Sec. 1-17. Emergency Medical Services:

Section 1-11. through Section 1-16 of this ordinance does not pertain to emergency medical services billing or response.

ARTICLE II. POLICE

Sec. 2-1. Removal of nuisances, obstructions, impediments, inflammable matter from public ways.

The police chief or his officers shall, from time to time, inspect the streets of the city and shall order the removal or cause to be removed therefrom all nuisances, obstructions, impediments, and matter which may be dangerous on account of liability to catch fire. Such removal shall be at the expense of the person depositing the same, should he be known, otherwise at the expense of the city. The owner or occupant of premises so ordered to remove such matter shall obey the order within twenty-four (24) hours.

Sec. 2-2. Delegation of municipal officers' power to the chief of police to authorize law enforcement officers to represent the municipality in the District Court, District Seven, Division of Northern Kennebec.

In accordance with the authority granted in 30 M.R.S.A. section 2361, subsection 3, the City Council does hereby delegate its power to the Chief of Police to authorize certain law enforcement officers to represent the City in District Court, District Seven, Division of Northern Kennebec, in the prosecution of alleged violations of ordinances which the officers may enforce.

Only those law enforcement officers who are certified by the Maine Criminal Justice Academy under 25 M.R.S.A. section 2308, subsection 3-A may represent the City of Waterville under the provisions of this section 20-7. The authority and assignment of law enforcement officers hereunder shall be the responsibility of the Chief of Police or the Deputy Chief of Police. The city solicitor shall be provided at least seven (7) days prior to hearing with a listing of all docketed matters citing the specific ordinances involved.

Sec. 2-3. Police officers subject to call; report.

The police officers shall at all times, either by day or night, be subject to be called upon by the, Chief of Police or his designee to assist in quelling any riot or disturbance or arresting any offenders, or to perform any other duties of policemen that may be required of them, and they shall daily report all arrests and other acts performed by them to the chief of police.

Sec. 2-4. Permission to perform certain acts outside city limits.

Waterville Police Officers are authorized to perform the following acts outside the city limits:

- a. Arrest without a warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B, or C crime defined in Title 17-A chapters 9, 11, 13, 17, 27, or 33, as amended, while the officer is on or off duty; or
- b. Arrest without a warrant a person for a crime committed in the city:
 - (1) If the arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;
 - (2) If the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance; and
 - (3) If the arrest is authorized by Title 17-A, section 15, subsection 1, paragraph A, as amended.

As used in this section, the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in Title 17-A, section 15, subsection 2, as amended.

ARTICLE III. PUBLIC ASSEMBLIES

Sec. 3-1. Any application for organized events which will make use of City owned property must be submitted to the Parks and Recreation Department and must be approved by the Waterville Police Department and the Waterville Parks and Recreation Department. Event organizers must complete a Facility Use Application to obtain a permit. Permits are not required for events sponsored fully, or in part, by the City. In considering whether a permit shall be granted, the Waterville Chief of Police, or designee, or the Parks and Recreation Director, or designee, shall take into consideration the following:

- a. whether the event is appropriate for the requested area or facility;
- b. the health, welfare, and safety of event participants and the public;
- c. the impact of the event on City staffing and the ability of such staff to continue to provide normal daily services;
- d. whether the requested event conflicts or is incompatible with other events already permitted for the park or area;
- e. the limitations the event will place on public use of the area.

ARTICLE IV. MISCELLANEOUS OFFENSES

Sec. 4-1. Discharge of firearms.

No person shall discharge any firearms, including air rifles, except in self-defense, in execution of the laws, or for the destruction of some dangerous animal:

- (a) In, upon or over any of the streets, lanes or public squares;
- (b) In, upon or over any privately-owned premises without the express permission of the owner of the premises, and unless the firing is directed into a natural or artificial barrier having a sufficient depth and area to stop the missile discharged.

Sec. 4-2. Bow and arrow.

- (a) No person may be on the property of another (including city property) while in the possession of a bow and arrow unless the person is in the presence of the owner, or has the current written permission of the owner, which permission must be carried on the person.
- (b) For city property, permission must be obtained from the director of public works or his designee, who will issue permits limited in time and location according to the needs of public safety.
- (c) This article shall not apply to the transportation of a bow and arrow in a motor vehicle, nor to archery events sponsored by the city or any school or college.

Sec. 4-3. Curfew -- Definitions.

For purposes of sections 4-3--4-3.4, the terms, phrases, words, and their derivations shall have the meaning given herein. All of those rules of construction contained in Article I, Sec. 1-1 of the Administrative Ordinance of the City of Waterville shall be fully applicable to these curfew provisions.

Custodian is any person over the age of eighteen (18) who is acting instead of the parent or guardian of a minor.

Guardian is any person other than the parent who has legal guardianship of a minor.

Minor shall mean any person under the age of sixteen (16).

Parent is the natural or adoptive parent of a minor.

Public place shall mean any street, alley, town way, sidewalk, park area, playground, or place to which the general public has access and right to use such place for business, entertainment, amusement or other lawful purposes, a public place for business, by way of example, but not by limitation, includes parking areas of shopping malls and the Concourse area, and areas adjacent to restaurants and places of amusements.

Sec. 4-3.1. Curfew -- For minors.

It shall be unlawful for any minor to remain, wander, stroll, or play in any public place either on foot or in or on any vehicle, self-propelled or otherwise, in, about, or upon any public place in the city between the hours of 10:00 p.m. and 6:00 a.m. However, the provisions of this section do not apply if a minor is accompanied by a parent, guardian, or custodian of a minor child, or a minor is on an emergency errand or specific business or activity either directed or permitted by the parent, guardian or custodian of the minor or where the presence of such minor is connected with or required by some legitimate employment or occupation.

Sec. 4-3.2. Curfew -- Parents' responsibility.

It shall be unlawful for the parent, guardian or custodian of any minor to suffer or permit, or by negligent or inefficient control to allow, such minor to be in any public place within the hours set for minors in Sec. 4-3.1. However, the provisions of this section do not apply if a minor is accompanied by a parent, guardian, or custodian or if the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian, or custodian, or if the parent, guardian, or custodian has notified the police department that the minor is a missing person.

Sec. 4-3.3. Curfew -- Violation; procedures.

- (a) Any police officer ascertaining that a minor is in violation of Sec. 4-3.1 shall direct or take the minor to the minor's home. The police officer shall forthwith attempt to contact with the minor's parents and advise the parent of the curfew violation.
- (b) The police officer shall complete a written report of the violation and detail all action taken.

Sec. 4-3.4. Curfew -- Penalties.

The first violation of the curfew shall result in a notification of violation to the parent, guardian, or custodian. A second violation shall result in a citation and a summons to the parent, guardian, or custodian to the district court for violation of the curfew and shall be subject to a fine of twenty-five dollars (\$25.00). Every violation resulting in a citation and a summons to court after the issuance of the first citation and summons shall carry an additional fine of twenty-five dollars (\$25.00) up to a maximum of one hundred dollars (\$100.00). Thereafter, each citation and summons shall carry a fine of not less than one hundred dollars (\$100.00) to be paid by the parent, guardian or custodian.

ARTICLE V. PENALTIES

Violation of any of the provisions set forth in this ordinance shall be in accord with the civil penalties provided for in Sec. 2-9 of the Administrative Ordinance of the City of Waterville.

Amended August 4, 2020
Effective August 25, 2020

APPROVED

Waterville City Council
Effective: February 3, 2007
(Ordinance 24-2006)

As Amended August 21, 2018
Effective: September 11, 2018
(Ordinance 148-2018)

As Amended February 9, 2019
Effective: February 26, 2019
(Ordinance 25-2019)

As Amended November 6, 2019
Effective: November 27, 2019
(Ordinance 178-2019)

As Amended April 21, 2020
Effective: May 1, 2020
(Ordinance 80-2020)

As Amended August 4, 2020
Effective: August 25, 2020
(Ordinance 164-2020)

**Waterville Fire Department
Schedule of Fees
Administrative and Operational**

1. Operational, Standby, and Special Assessment Fees	
The Fire Chief or his/her representative shall be responsible for issuance of permits, invoices and/or agreements regarding operational costs assessed to public or private enterprises. This may include private fire hydrant testing, mutual aid costs, restitution, standby firefighters, officers and equipment, including emergency response and suppression costs and standby fees. These fees or costs will be assessed at the following rates:	
a. Firefighter/EMT, Firefighter/AEMT, Firefighter/Paramedic – per hour, or any portion of an hour	\$40.00
b. Fire Officers– per hour, or any portion of an hour	\$45.00
c. Equipment	
Small equipment, generators, pumps, lighting, etc. – per hour, or any portion of an hour.	\$25.00
Pumper under 1000 GPM, ambulances, medical rescue vehicles or other special equipment such as water tankers, utility units, grass/brush units, support units, etc. – per hour, or any portion of an hour.	\$100.00
Pumper 1000 GPM or over – per hour, or any portion of an hour	\$250.00
Hazmat apparatus, Tower Truck, etc. or any other special equipment or apparatus not already specified (support trailers are included in cost) – per hour, or any portion of an hour.	\$350.00
Personally Owned Vehicles – per vehicle	\$50.00
2. Minimum Fees	
a. If a schedule standby crew is cancelled after arriving at an event, there shall be a fee assessed equal to two hours for personnel and one hour for apparatus.	
b. If a scheduled event runs short of the original scheduled time, there shall be a minimum charge of two hours for each crew member or the actual time at the event, whichever is greater. The apparatus will be billed for the actual time at the event.	
c. If an event is scheduled less than seven days prior to the event, personnel fees shall be charged at 1.5 times the hourly rate. The apparatus fees will be charged at the regular rate.	
d. The Fire Chief or his/her representative may waive, decrease, or increase fees and costs depending on the use and/or activity and Fire Code requirements.	
3. Automobile and Equipment Accident/Extrication Fees	
The Waterville Fire Department may charge for vehicle extrication fees for motor vehicle accidents involving private passenger vehicles and large commercial vehicles unless Item 4 below applies. These fees shall be billed to the automobile insurance companies on behalf of the accident victim.	
a. Fire suppression – minimum fee. Beyond one hour, operational fees apply.	\$450.00
b. Removal of the roof	\$250.00
c. Rolling of the dash or cutting of structural posts	\$250.00

d. Tunneling, floor pan cutting	\$250.00
e. Removal of each door, the steering column, brake, or clutch pedal	\$150.00
f. Stabilization, cribbing of the vehicle	\$150.00
g. Battery disconnect	\$25.00
h. Stopping flow of, damming, diking, or general cleanup of hazardous substances	\$200.00
i. Creating a helicopter landing zone	\$400.00
4. Haz-Mat Response Fees	
Level 1- Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command. WFD considers this response a "Forward Team."	\$750.00
Level 2- Intermediate Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center. Consumable items are additional cost.	\$2750.00
Level 3- Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time. Each additional hour will be billed at \$500.00 per hour or any portion of an hour. Consumable items are additional cost.	\$6750.00
5. Technical Rescue Response/Standby	
The Waterville Fire Department may charge for responses that involve the use of specialized rescue equipment including stabilization struts, airbags, ropes, rescue hardware, a liter, confined space equipment, boats, jet skis or other equipment as determined by the Fire Chief.	
a. Use of equipment during scheduled standby – per hour (item 1 costs apply)	\$50.00
b. Use of technical rescue equipment during emergency response – per hour	\$250.00
6. Emergency Medical Services Fees	
Basic Life Support Non-Emergency Transport – per transport (plus mileage) A0428	\$525.00
Basic Life Support Emergency Transport – per transport (plus mileage) A0429	\$715.00
Advanced Life Support Non-Emergency Transport – per transport (plus mileage) A0426	\$725.00
Advanced Life Support Emergency Level One Transport – per transport (plus mileage) A0427	\$1000.00
Advanced Life Support Emergency Level Two Transport– per transport (plus mileage) A0433	\$1400.00
Mileage – per loaded mile A0425	\$22.00
Paramedic Intercept – per intercept	\$200.00
Paramedic Intercept (Partner) – per intercept	\$75.00
EMS Evaluation No Transport – per evaluation A0998	\$525.00
Lift Assist – 3 per month no charge.	\$0.00
Lift Assist after 3 assist per month – per response	\$35.00
7. Permit Fees	
a. Open Burning	
Single Burn Permit	Exempt
Open burn permits will be subject to the dates set by the Maine Forest Service, weather conditions, and general policy established by the Fire Chief. A new permit must be obtained for each new burn requested. Burn permits are obtained by calling Waterville Fire Department.	
b. Blasting/Explosives/Fireworks. These fees are considered inspection fees prior to the issuance of a permit.	
Blasting/Explosives Permit – per Project Fee	\$75.00
Blasting/Explosives Storage Permit – Annual Fee	\$350.00

Fireworks Aerial/Ground Display Permit – per Event plus additional standby fees.	\$250.00
Liquified or Compressed Gas Sales Permit– Annual Fee, includes exchange cabinet inspections.	\$100.00
Pyrotechnical Special Effects Material – per Event plus additional standby fees.	\$50.00
c. Hazardous Materials Storage/Production	
Small Storage Permit (less than a 1000-gallon capacity) – Annual Fee	Exempt
Medium Storage Site Permit (more than 1000-gallon, less than 2500-gallon capacity) – Annual Fee	\$75.00
Large Storage Site Permit (greater than 2500-gallon capacity) – Annual Fee	\$100.00
Production/Processing Permit – Annual Fee	\$150.00
Special Hazards Storage Permit (not listed above) – Annual Fee per Hazardous Material	\$250.00
Fuel Tank Installation Inspection Permit – One Time Fee	\$200.00
Fuel Tank Removal Inspection Permit – One Time Fee	\$200.00
d. Special Amusement	
Temporary Membrane Structure Permit (Tents, Canopies, Bounce House) – per Event	\$50.00
Special Amusement Ride or Other Structure Permit – per Event	\$100.00
e. Confined Space Entry	
OSHA defined confined spaces entries throughout the City that require rescue team – per day.	
1 – 3 Entries	\$100.00
3 – 6 Entries	\$250.00
6 + Entries	\$350.00
Weekly Permit – Unlimited Entries	\$500.00
Monthly Permit – Unlimited Entries	\$1000.00
Yearly Permit – Unlimited Entries	\$5000.00
f. Dumpster	
Dumpster (as required in the Public Safety Ordinance Sec. 1-9)	Exempt
8. Plan Review Fees	
The Fire Chief and/or his/her designee will be responsible for assessing plan review fees prior to issuing final Fire Department approval of projects and/or certificate of occupancy issuance.	
a. General Fire Department Life Safety Review - per plan/site review	
Cost of construction times .0015	Calculated
** Solar projects will require general life safety review. **	
a. Special Automatic Fire Extinguishment Systems – per System	\$100.00
b. Fire Alarm Systems	
Plan review for structures two or less floors or under 10,000 sq. ft. – per System	\$150.00
Plan review for structures three or more floors or over 10,000 sq. ft. – per System	\$250.00
c. Automatic Fire Sprinkler System	
Plan reviews for automatic fire sprinkler systems will be charged by the number of fire sprinklers that will be installed in the system.	
10 – 100 fire sprinklers	\$100.00
101 – 200 fire sprinklers	\$150.00
201 – 300 fire sprinklers	\$200.00
301 or greater fire sprinklers, \$.50 per fire sprinkler (301 or greater) +	\$250.00
If the review exceeds the basic level plan review, the actual cost of professional sprinkler	

engineering review will be borne by the applicant.	
d. Non-Structural Fire and Life Safety/Project Clearance Plan/Site Reviews	
Plan reviews to receive project clearance for commercial buildings, hotel/motel buildings, industrial buildings, multi-family housing, buildings, etc. not falling in the above categories – per hour or any portion of an hour, not to exceed four hours.	\$50.00
9. Building or Special Inspections	
a. Inspections as required.	
Residential (if requested)	Exempt
Commercial (less than 5,000 sq. ft.) – no City issues license.	Exempt
Commercial (more than 5,000 sq. ft.) or commercial with City issued license.	\$50.00
b. Special Automatic Fire Extinguishing Systems, including deep frying hood systems and paint spray booths – per Inspection.	\$50.00
c. Special and Follow-Up Inspections	
Special inspections, follow-up inspections, installation inspections and other required inspections – per hour, or any portion of an hour	\$50.00
d. General Letters of Approval	
Any project as required by City adopted code or ordinance that requires a letter of approval from the Fire Chief or his/her designee – per letter, includes two hours. Any additional time required will be billed at the follow up rate described above.	\$100.00