

CHAPTER 1
GOVERNMENT & ORGANIZATION
ARTICLE I Recall of Elected Municipal Officers
Section 101 - General

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.

ARTICLE IV - PERSONNEL COMMITTEE

SECTION 104 - GENERAL

104.1 - Establishment

The Town of Thomaston hereby establishes a PERSONNEL COMMITTEE who shall be appointed by a majority vote of the Board of Selectmen and shall consist of five (5) members plus a maximum of two (2) members as described in paragraph II below. The composition of the PERSONNEL COMMITTEE SHALL BE AS FOLLOWS:

104.1.1 - One member of the Board of Selectmen, chosen by majority vote of the selectmen.

104.1.2 - A maximum of two persons with knowledge pertinent to the position to be filled, appointed by the Town Manager as needed.

104.1.3 - Four members of the general public who are residents of the Town of Thomaston.

The PERSONNEL COMMITTEE will annually elect a Chairman, Vice Chairman and Recording Secretary.

104.2 - Scope

The scope of the PERSONNEL COMMITTEE's duties shall be limited to regular full-time and regular part-time employees.

104.3 - Terms

104.3.1 - The Selectman will serve a one year term but may, upon a majority vote of the Selectmen, serve any number of consecutive or non-consecutive terms.

104.3.2 - Members with knowledge pertinent to the position to be filled will serve during the period necessary to complete the hiring process.

104.3.3 - The remaining four members will serve as follows:

- a) Upon establishment of the PERSONNEL COMMITTEE, two members will be appointed to serve a three year term.
- b) One member will be appointed to serve a two year term.
- c) One member will be appointed to serve a one year term.
- d) Thereafter, all terms will be three years.

104.4 - Powers and Duties

The PERSONNEL COMMITTEE shall:

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

104.4.2 - Prepare pertinent application forms.

104.4.3 - Cause public notice of all openings as notified by the Town Manager.

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

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

104.4.5 - Develop with the Town Manager and Department Heads, those of the following which the PERSONNEL COMMITTEE deems necessary for each job classification.

- a) Written Exam
- b) Oral Exam
- c) Performance Exam
- d) Medical Exam
- e) Physical Agility Exam
- f) 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.

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

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

104.5 - Process

Upon notification by the Town Manager, The PERSONNEL COMMITTEE shall:

104.5.1 - Cause advertisements to be placed in pertinent print media detailing the position, qualifications and application deadline.

104.5.2 - Receive all applications arriving by the deadline.

104.5.3 - Review all applications received and eliminate any that do not meet requirements.

104.5.4 - Cause to be set oral interview appointments with all applicants meeting the requirements and forward that list to the Town Manager who will, via mail, notify the applicants.

104.5.5 - Oral interviews will consist of determining that the applicant in fact meets requirements, his/her background, education/training, experience, appearance, demeanor, etc.

104.5.6 - After the initial interview, meet with the Town Manager and/or Department Head to determine those that will continue the process.

104.5.7 - 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.

104.5.8 - Based on the initial oral interview and exam results, determine those applicants for the next interview.

104.5.9 - The second interview will be with a majority of PERSONNEL COMMITTEE members including up to two members with knowledge pertinent to the position, and the Town Manager and/or Department Head.

104.5.10 - The second interview will consist of inquiry specific to the job to be filled, as well as any other questions deemed pertinent by any member of the PERSONNEL COMMITTEE, Town Manager and/or Department Head.

104.5.11 - Based on the results of this interview, certify three applicants to the Town Manager.

104.5.12 - After detailed review of all pertinent information by the Town Manager, the Town Manager will submit his/her choice to the Board of Selectmen for confirmation, in accordance with the Personnel Policy.

104.5.13 - In the event the Selectmen fail 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 additional qualified candidates, from the "Register of Eligibles, to the Town Manager.

104.5.14 - Certify three applicants, whenever available, to the Town Manager. If there are not three applicants certifiable, the Town Manager, at his/her sole discretion, may select one of the one or two that are certified or require the PERSONNEL COMMITTEE to start anew.

104.5.15 - If the PERSONNEL COMMITTEE certifies three applicants, the Town Manager must select one of them.

104.5.16 - 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.

104.5.17 - At its discretion, establish the eligibility of certified applicants to be hired in the event a vacancy may occur within one year.

104.5.18 - 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.

104.6 - Residency

104.6.1 - Residents of the Town of Thomaston will receive preference by the PERSONNEL COMMITTEE, at the point of certification, when ability and background are considered equivalent to that of a non-resident applicant.

104.6.2 - Upon successful completion of probation, the employee, will reside within statutory limits to ensure his/her ability to serve effectively.

104.7 - Severability

104.7.1 - 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.

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

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

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

ARTICLE V - BUDGET COMMITTEE SECTION 105

105.1 - Establishment

Pursuant to 30-A MRSA §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 seven (7) members.

105.3 - Appointment

Committee members shall be appointed by the Board of Selectmen.

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 be filled within thirty (30) days by appointment of the Board of Selectmen.

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.

ARTICLE VI - VILLAGE CEMETERY ORDINANCE

Section 106 - GENERAL

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

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. 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 of Lot Owners

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

ARTICLE VII - PUBLIC LIBRARY

Section 107 - GENERAL

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 - RECREATION COMMITTEE

SECTION 108

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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 Chairman 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** The **RECREATION COMMITTEE** shall review and approve, by majority vote, all new programs suggested by the Director., committee member, or the public.
- 108.5.8** The **RECREATION COMMITTEE** shall approve the Director's budget by majority vote and will recommend same, 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 **RECREATION COMMITTEE** shall request the Town Manager to advertise for the position. Committee members will interview all applicants and recommend a maximum of three names and a minimum of two names, to include the committee's recommendation, for the appointment of Recreation Director to the Board of Selectmen. The **RECREATION COMMITTEE** will recommend the new Director's salary.
- 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** The Director's appointment is for one (1) year and shall be contingent upon performance of duties.
- 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.

SECTION 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 be inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 108.7 AMENDMENTS

- 108.7.1-** Town vote:
- 108.7.2-** Selectmen may initiate, majority of Committee, or petition

EFFECTIVE DATE: JUNE 22, 1999 AT THOMASTON ANNUAL MEETING

ARTICLE XII CONSERVATION COMMISSION ORDINANCE

SECTION 112

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

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.

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

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.

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.

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

112.4 Meetings

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.

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.

EFFECTIVE DATE: JUNE 3, 1996 AT THOMASTON ANNUAL MEETING

ARTICLE XIII

PUBLIC PROPERTY & ROADSIDE WASTE & REFUSE ORDINANCE

SECTION 113

113.0 – 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 facia 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.

CHAPTER 1 ARTICLE XIV

THOMASTON ROAD NAMING AND NUMBERING ORDINANCE

Section 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*.

Section 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.

Section 114.3 Administration

This ordinance shall be administered 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.

Section 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 ie. 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 is 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

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 abecame 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.

CHAPTER I
ARTICLE XV

Special Amusement Ordinance And Permits

Thomaston, Maine

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 3001.

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 S1.4-1961) "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:

115.10.4.1 The Licensee's or any of his agent's or employee's genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

115.10.4.2 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

115.10.4.3 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:

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:

115.12.1.1 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.

115.12.1.2 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.

115.12.1.3 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:

115.13.2.1 The issuance of the requested permit will not be detrimental to the public health, safety, or welfare;

115.13.2.2 The proposed activity to be licensed will not create a traffic hazard;

115.13.2.3 The applicant has ample parking to accommodate the proposed activity;

115.13.2.4 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;

115.13.2.5 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;

115.13.2.6 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.

115.13.2.7 Neither 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 state 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 other 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 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 of the denial, suspension or revocation, appeal the decision to the Board of Appeals.

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.

Given under our hands in the Town of Thomaston this 22nd day of November, in the year of Our Lord, one thousand nine hundred ninety nine.