

CITY OF ROCKLAND, MAINE



*270 Pleasant Street
Rockland, Maine 04841*

CITY CLERK'S OFFICE

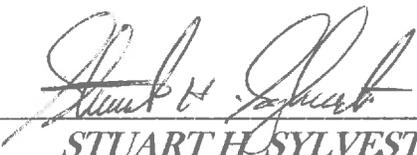
December 2, 2016

*YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF THE
ROCKLAND CITY COUNCIL WILL BE HELD IN CITY COUNCIL
CHAMBERS AT ROCKLAND CITY HALL, 270 PLEASANT STREET,
ROCKLAND, MAINE ON MONDAY, DECEMBER 5, 2016 AT 5:30 P.M.
FOR THE FOLLOWING PURPOSE(S):*

[Please Note Starting Time and Date]

Set Agenda for 12/12/16 Regular Meeting
Discussion: Maine Coast Petroleum - Operation of Fish Pier
Legalization of Marijuana - City's Response

*YOUR PUNCTUAL ATTENDANCE IS REQUESTED
PER ORDER OF THE MAYOR OF THE CITY OF ROCKLAND*



STUART H. SYLVESTER
CITY CLERK

ITEMS FOR 12/12/16 REGULAR MEETING:

December 5, 2016

Communications:

- a. Letter from Rockland Plaza LLC – Reconveyance of 59 Camden Street

Licenses and Permits:

- a. Liquor & Entertainment Licenses – Rockland Elks Lodge
- b. Liquor & Entertainment Licenses – The Strand Theatre
- c. Lodging House License – Limerock Inn
- d. Lodging House License – The Lindsey Hotel
- e. Liquor License – Main Street Markets
- f. Taxi Company License – Reed’s Taxi (1 cab)

Resolves:

- #48 Re-Appointments – Boards, Commissions & Committees
- #49 Accepting Donations – Fuel Assistance Program
- #50 Commendation – Noah Ames
- #51 Accepting Donations – Library
- #52 Accepting Donation – Fire Department

Ordinances in Final Reading & Public Hearing:

- #33 Ch. 19, Sec. 19-303 Flag Lots; Naming Road

Ordinances in First Reading:

- #28 Ch. 19, Secs. 19-302 - 19-304 Infill Ordinance (Postponed 11/14/16)
- #34 Ch. 11, Sec. 11-210 Short-Term Rental – Evidence of Insurance
- #35 Adopting Local Food & Community Self-Governance Ordinance

Orders:

- #67 Authorizing Blanket Letter of Approval – Games of Chance Licenses
- #68 Authorizing Blanket Letter of Approval – Beano/Bingo Licenses
- #69 Accepting Forfeited Assets – Court
- #70 Establishing Ad Hoc City Manager Search Committee

Rockland Plaza LLC

316 Main Street, suite 201
Biddeford ME 04005

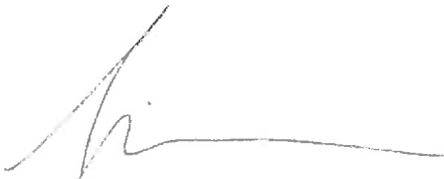
To: Rockland town council

Reference: 59 Camden Street, Rockland ME

Dear sir/madam

I am writing to you in reference to my property located at 59 Camden Street, Rockland ME. I have owned this property for few years and have always paid my property tax as well as any associated cost with the property, Unfortunately for some unfortunate reason my management missed paying minimal amount and now my property is owned by the town. Further I did not receive any courtesy calls from the department before taking this action. I have always had good report with the town officials and always address their concern in most priority manner. Although the property has been vacant, I even paved the parking lot so it improves the image of the lot and cut down on loitering, although I do agree it needs lot of work to be presentable for any business, and I have been struggling to find right tenant for this property since I have purchased it, but I hope to find local entrepreneur to operate business at that location since I am not having any luck with major franchise. I would like to request for property to be re-conveyed. I have no trouble paying the outstanding amount and any extra cost, which occurred in this process. I humbly appreciate your assistance in this matter and encouraging new businesses.

Sincerely,



Shai Patel

APPLICATION FOR CITY LICENSE
CITY OF ROCKLAND, MAINE
270 Pleasant Street
Rockland, Maine 04841

Name of Applicant ROCKLAND ELKS LODGE #1008 Phone 594-9200

Address of Applicant 210 RANKIN ST (PO BOX 983)
ROCKLAND, MAINE 04841

Name of Business SAME Phone _____

Address of Business _____

Name of Property Owner (if different) SAME

Type of License(s): Liquor Victualer Entertainment
 Lodging House Commercial Hauler Landscape Contractor
 Billiard Room Second Hand Merchant Other (Specify) _____

Type of Business FRATERNAL ORGANIZATION

Expiration of Current License 01/25/2017

Fee(s) Paid \$300.00 Date 10/25/16

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature JOHN LUDWIG, MGR. Date 10/25/16

Approved By: _____ License # _____

Wm Butler Code Officer 12/2/16 Date
 Approved Inspected; See Report

Wm Butler Fire Inspector 12/2/16 Date
 Approved Inspected; See Report

SB Police Chief 11/28/16 Date

_____ Date

City Clerk _____ Date

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
 10 WATER STREET, HALLOWELL, ME 04347
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV**

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES 1/25/17

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|-----------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL NO FOOD (Class I-A) | |
| <input checked="" type="checkbox"/> CLUB w/o Catering (Class V) | <input checked="" type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Rockland Lodge of Elks #1008</u>		Business Name (D/B/A) <u>Rockland Elks #1008</u>	
APPLICANT(S) –(Sole Proprietor) <u>Rockland Elks</u>		Physical Location: <u>210 Rankin St.</u>	
Address <u>210 Rankin St.</u>		City/Town <u>Rockland</u>	State <u>ME.</u>
City/Town <u>Rockland, Me.</u>		Zip Code <u>04841</u>	
Mailing Address <u>P.O. Box 983</u>		City/Town <u>Rockland</u>	State <u>ME.</u>
City/Town <u>Rockland</u>		Zip Code <u>04841</u>	
Telephone Number <u>594-9200</u>	Fax Number <u>207-593-9172</u>	Business Telephone Number <u>594-9200</u>	Fax Number <u>207-593-9172</u>
Federal I.D. # <u>01-002-7751</u>		Seller Certificate #: or Sales Tax #: <u>01705</u>	
Email Address: Please Print <u>Elks 1008@aol.com</u>		Website:	

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: 10:00 a.m. - 10:00 p.m.

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: NA
- State amount of gross income from period of last license: ROOMS \$ NA FOOD \$ 127,343 LIQUOR \$ 134,924.
- Is applicant a corporation, limited liability company or limited partnership? YES NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

- Do you permit dancing or entertainment on the licensed premises? YES NO
- If manager is to be employed, give name: John W. Ludwig
- Business records are located at: 210 Rankin St. Rockland Me.
- Is/are applicants(s) citizens of the United States? YES NO
- Is/are applicant(s) residents of the State of Maine? YES NO

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
John W. Ludwig	7/31/44	Rockland, Me.
DONALD A. CRUDELL	4/30/55	Rockland, Me.
Angie Brown	1/22/79	Rockport Me.
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
John Ludwig Rockland, Me. Angie Brown, Rockport, Me.		
DONALD CRUDELL Owl's Head, Me.		

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

12. Has/have applicant(s) formerly held a Maine liquor license? YES NO

13. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/10 mile Which of the above is nearest? Church

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Rockland, Me. on 10/25, 20 16
Town/City, State Date

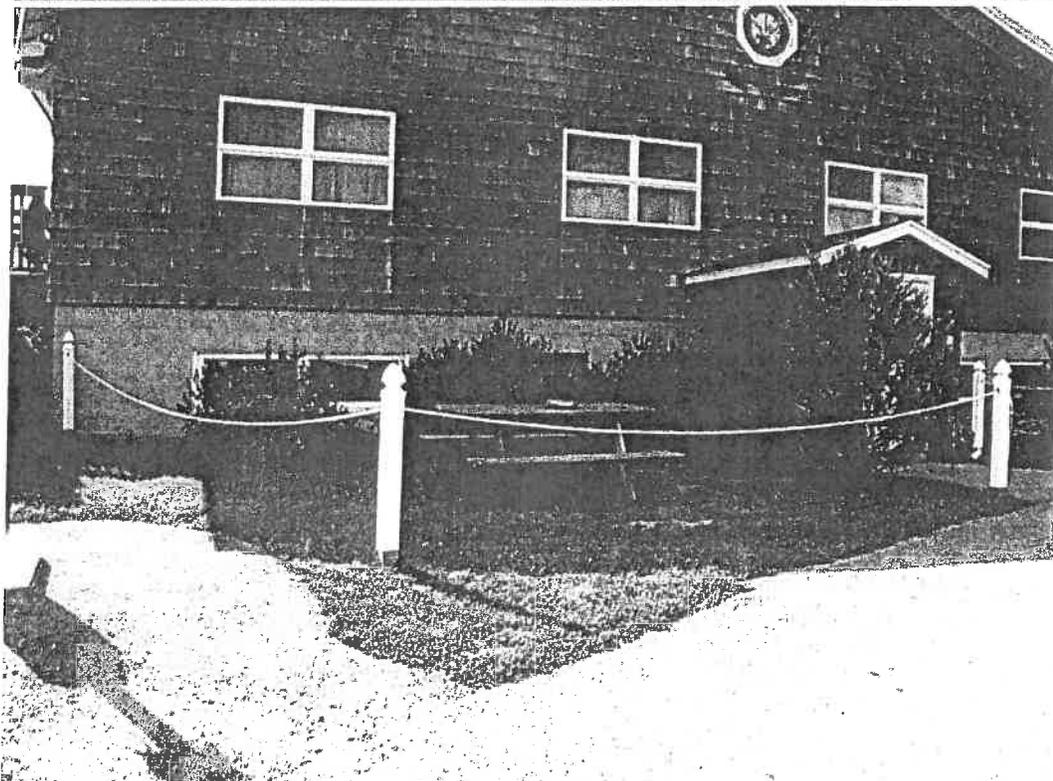
Please sign in blue ink

Barbara J. Gray
Signature of Applicant or Corporate Officer(s)

Barbara J. Gray
Print Name

Raymond C. Felt
Signature of Applicant or Corporate Officer(s)

Raymond C. FELT
Print Name



LINE LAYOUT

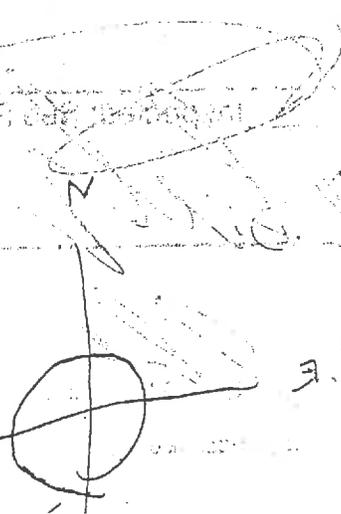
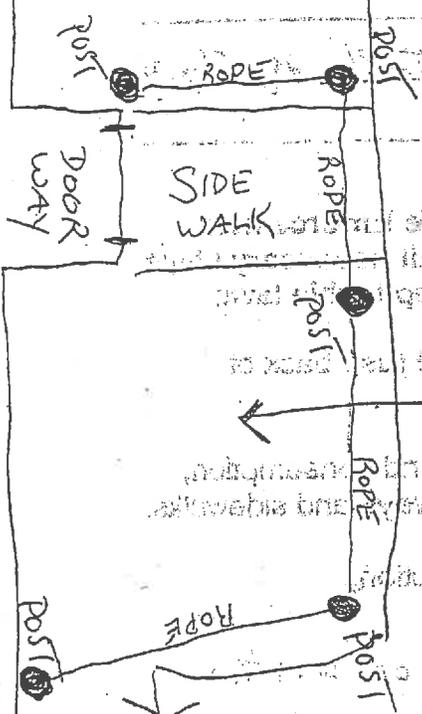
GARDEN

Dining

ROPE IN AREA

PARKING LOT

FLAG POLE



WOODS

Horse shoe Pitts

Roped OFF

DRIVE WAY

Lawn Area

Stair

Deck Area

Fence

Door

Elks Building

Flag
pole

APPLICATION FOR CITY LICENSE
CITY OF ROCKLAND, MAINE
270 Pleasant Street
Rockland, Maine 04841

Name of Applicant Friends of the Strand Theatre Phone 207-701-5053

Address of Applicant 345 Main St
Rockland, Me 04841

Name of Business Friends of the Strand Theatre Phone 207-701-5053

Address of Business 345 Main St
Rockland, Me 04841

Name of Property Owner (if different) _____

Type of License(s): Liquor Victualer Entertainment
 Lodging House Commercial Hauler Landscape Contractor
 Billiard Room Second Hand Merchant Other (Specify) Motion Picture

Type of Business Film & Performing Arts

Expiration of Current License 1-15-2017

Fee(s) Paid \$450.00 Date 11/22/16

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature [Signature] Date 11/22/16

Approved By: _____ License # _____

Wm Butler Code Officer 12/2/16 Date

Approved _____ Inspected; See Report

Wm Butler for fire Fire Inspector 12/2/16 Date

Approved _____ Inspected; See Report

[Signature] Police Chief 11/28/16 Date

City Clerk _____ Date

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
 10 WATER STREET, HALLOWELL, ME 04347
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES 1/15/2017

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL NO FOOD (Class I-A) | |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input checked="" type="checkbox"/> OTHER: <u>Theatre/Auditorium</u>
<u>Class III & IV</u> |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Friends of the Strand Theatre</u>		Business Name (D/B/A) <u>Strand Theatre</u>	
APPLICANT(S) - (Sole Proprietor) DOB:		Physical Location: <u>345 Main St</u>	
DOB:		City/Town <u>Rockland</u>	State <u>Me</u>
Address <u>345 Main St</u>		Zip Code <u>04841</u>	
Mailing Address <u>P.O. Box 433</u>		City/Town <u>Rockland</u>	State <u>Me</u>
City/Town <u>Rockland</u>	State <u>Me</u>	Zip Code <u>04841</u>	Zip Code <u>04841</u>
Telephone Number <u>207-701-5053</u>	Fax Number	Business Telephone Number <u>207-701-5053</u>	Fax Number
Federal I.D. # <u>46-3330177</u>	Seller Certificate #: or Sales Tax #: 207		
Email Address: Please Print <u>info@Rocklandstrand.com</u>	Website: <u>www.rocklandstrand.com</u>		

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: M-F Business hours: 12-4 pm

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license: ROOMS \$ NA FOOD \$ NA LIQUOR \$ N/A
- Is applicant a corporation, limited liability company or limited partnership? YES NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

- Do you permit dancing or entertainment on the licensed premises? YES NO
- If manager is to be employed, give name: Jessie Davis
- Business records are located at: 315 main st Suite 207 Rockland, Me 04841
- Is/are applicants(s) citizens of the United States? YES NO
- Is/are applicant(s) residents of the State of Maine? YES NO

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Jo Dondis	7/20/1951	Rockland, Me
Jessie Davis		
Timothea Elizabeth McLeod	5/28/1963	Maine

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Dondis - Camden, me Davis - Rockland, me
McLeod - Rockland, me

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____
 Offense: _____ Location: _____
 Disposition: _____ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
 Yes No If Yes, give name: _____

12. Has/have applicant(s) formerly held a Maine liquor license? YES NO

13. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) Film & Performing Arts Center - Beer & Wine Sales

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
 YES NO Applied for: _____

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 Which of the above is nearest? Church

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: Gifts & Donations

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Rockland, Me on _____, 20____
Town/City, State Date

Please sign in blue ink

Jo Dondis
 Signature of Applicant or Corporate Officer(s)
Jo Dondis
 Print Name

 Signature of Applicant or Corporate Officer(s)

 Print Name

Strand Theatre

Stage

9 7 5 3 1

7 5 3 1

9 7 5 3 1

9 7 5 3 1

9 7 5 3 1

109 108 107 106 105 104 103 102 101

108 107 106 105 104 103 102 101

109 108 107 106 105 104 103 102 101

108 107 106 105 104 103 102 101

109 108 107 106 105 104 103 102 101

2 4 6 8 10

2 4 6 8 10

2 4 6 8 10

2 4 6 8 10

2 4 6 8 10

Exit

Balcony
Bar

Exit

Strand Theatre

Stage

Exit

- Removable Seats
- Wheelchair and companion seats

7 5 3 1

112 111 110 109 108 107 106 105 104 103 102 101

2 4 6 8

7 5 3 1

112 111 110 109 108 107 106 105 104 103 102 101

2 4 6 8

7 5 3 1

112 111 110 109 108 107 106 105 104 103 102 101

2 4 6 8

7 5 3 1

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2 4 6 8

7 5 3 1

112 111 110 109 108 107 106 105 104 103 102 101

2 4 6 8

7 5 3 1

111 110 109 108 107 106 105 104 103 102 101

2 4 6 8

7 5 3 1

112 111 110 109 108 107 106 105 104 103 102 101

2 4 6 8

7 5 3 1

111 110 109 108 107 106 105 104 103 102 101

2 4 6 8

Sound
Mixer
Position

Exit

Exit

Lobby

Concession Stand

Lobby concession
CURRENT Area 2
Sales



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100%	Yes <input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Friends of the Strand Theatre, Inc
- Doing Business As, if any: Strand Theatre
- Date of filing with Secretary of State: 8/1/2013 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Jo Dondis	10 Kings Way	7/20/51	Chair	1/4
<i>See Attached</i>				

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes No If Yes, Name: _____ Agency: _____

LIST OF CURRENT OFFICERS/ DIRECTORS

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Telephone</u>	<u>Email Address</u>
Jo Dondis	Director and Chair	10 Kims Way Camden, ME 04843	213-716-0181	jdondis@gmail.com
Roy Hitchings, Jr.	Director and Treasurer	270 Molyneaux Road Camden, ME 04843	207-236-7785	royhitchjr@gmail.com
John Bird	Director	P.O. Box 182 Spruce Head, ME 04859	207-596-6276	jabmab@roadrunner.com
Mary Ann Carey	Director	522 Island Avenue Spruce Head, ME 04859	207-594-2348	maryanncarey@gmail.com
Christopher Brownawell	Director	11 Cliffside Drive Rockport, Me 04856	207-593-7982	cbrownawell@farnsworthmuseum.org
William Black		66 Sroudwater Rd. Portland, Me 04102	207-831-3602	William.c.black@maine.gov
Carol Emery		Po Box 140 Tenants Harbor, ME 04860	207-594-8911	carol@cremerylane.com

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

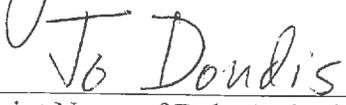
Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

 _____
Signature of Duly Authorized Person 10/18/16 Date

 _____
Print Name of Duly Authorized Person

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

APPLICATION FOR CITY LICENSE
CITY OF ROCKLAND, MAINE

270 Pleasant Street
Rockland, Maine 04841

Name of Applicant Frank Isganitis Phone 594-2257

Address of Applicant 96 Limerock St.

Name of Business LimeRock Inn Phone 594-2257

Address of Business 96 Limerock St.

Name of Property Owner (if different) Frank Isganitis, Rudolf Walter

Type of License(s): Liquor Victualer Entertainment

Lodging House Commercial Hauler Landscape Contractor

Billiard Room Second Hand Merchant Other (Specify) _____

Type of Business Bed & Breakfast

Expiration of Current License 12/31/16

Fee(s) Paid \$100.00 Date 11/28/16

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature Frank Isganitis Date 11/28/16

Approved By: Wm Butler License # _____

Approved Inspected; See Report Code Officer 12/2/16 Date

Approved Inspected; See Report Fire Inspector 12/2/16 Date

Approved Inspected; See Report

Police Chief _____ Date

City Clerk _____ Date

CITY OF ROCKLAND, MAINE

RESOLVE #48

IN CITY COUNCIL

December 12, 2016

RESOLVE Re-Appointments to Boards, Commission and Committees

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the re-appointments by the Mayor of the following persons to the following Boards, Commissions and/or Committees for the listed terms are hereby confirmed:

[TO BE DRAFTED]

Sponsor: Mayor Clayton
Originator: Mayor Clayton

CITY OF ROCKLAND, MAINE

RESOLVE #49

IN CITY COUNCIL

December 12, 2016

RESOLVE Accepting Donation – Fuel Assistance Program

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the following donations to the City's Fuel Assistance Program to assist local residents with heating/energy-related costs:

\$300 from an anonymous donor

\$200 from the Camden Seventh-Day Adventist Church

AND, be it further Resolve that a letter of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Council

Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE #50

IN CITY COUNCIL

December 12, 2016

RESOLVE Commendation – Noah Ames

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT

[TO BE DRAFTED]

Sponsor: Mayor Clayton
Originator: Mayor Clayton

CITY OF ROCKLAND, MAINE

RESOLVE #51

IN CITY COUNCIL

December 12, 2016

RESOLVE Accepting Donations - Library

WHEREAS, the Friends of the Rockland Public Library donated \$3,000.00 to the Rockland Public Library to help offset the cost of Children's Library Cards, to be receipted into the Library Non-Resident Card account (#10062-03225); and

WHEREAS, Lynda and Thomas Schoeninger of Bethlehem, PA, donated \$100 to the Library in memory of William Ronalds, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the Good Tern Co-Op donated \$66.84 to the Library in memory of Ken Crane to be used for the purchase of books in Mr. Crane's honor, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Central Maine Power Company donated the award-winning book *Finding Winnie* to the Library, to be added to the Library's collection;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City gratefully accepts these donations and directs that a letter of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Council
Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE #52

IN CITY COUNCIL

December 12, 2016

RESOLVE Accepting Donation – Fire Department

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation of \$100.00 from Lisa Siegel and Walter Guptill of Parkland, Florida, to the Rockland Fire Department in memory of Tinker Bergren, to be deposited into the Fire Department Fire House Supplies Account (#10032-02177).

AND, it is further Resolved that a letter of thanks be sent to the donors in recognition of their generous donation.

Sponsor: City Council

Originator: City Council

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #33
IN CITY COUNCIL**

November 14, 2016

ORDINANCE AMENDMENT Development Standards – Flag Lots

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, SECTION 19-303 General Provisions (9) Flag Lots, BE AMENDED AS FOLLOWS:

Section 19-303 General Provisions

9. Flag Lots.

Where permitted by the applicable zone regulations, the development or redevelopment of existing or new Flag Lots shall adhere to the following requirements, in addition to any conditions imposed by the Planning Board upon review pursuant to Chapter 16:

- A. Development Standards.** The access road of flag lots must contain a minimum depth of fifteen (15) inches of bank-run gravel, and must have drainage, ditches and culverts at all appropriate points. If a flag lot is used for residential purposes, only a single-family detached dwelling shall be allowed on the flag lot; if for commercial purposes, only a single commercial use and occupant shall be permitted. The access portion of flag lots used for commercial purposes shall be landscaped and buffered from adjacent residential parcels and residential zones and shall also provide access to the adjacent parcel behind which the flag lot is primarily located (the “Front Lot”), either through common ownership or deeded right of way, and such Front Lot shall not have other access to or from the street. The person proposing the flag lot may submit a name for the access road for City review. In order avoid confusion; the name of the access road shall not be similar to the name of other streets or locations in the City. The City reserves the right to designate any name for the road and name and number it in accordance with E-911 standards. The Department of Public Services shall provide and install the sign. The owner of the flag lot shall be responsible for the cost of the sign and post.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

First Reading 11/14/16
First Publication 11/24/16
Public Hearing 12/12/16
Final Passage _____
Second Publication _____
Effective Date _____

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #28

IN CITY COUNCIL

August 8, 2016

ORDINANCE AMENDMENT: Reducing the Dimensional Limitations on Dwelling Units in the Residential A and B Zones

WHEREAS, the City seeks to encourage and accommodate compact residential development at appropriate locations, with access to public or private off-street parking or transit service, and

WHEREAS, the intent of this zone change is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-302, Words & Phrases Defined, SECTION 19-303, General Provisions and SECTION 19-304, Zone Regulations, SUBSECTION 1, Residential Zone "A" and SUBSECTION 3, Residential Zone "B", BE AMENDED AS FOLLOWS:

Sec. 19-302 Words and Phrases Defined

For the purpose of this Article, certain words and phrases are defined as follows:

* * *

~~**Lot:** Except when reference is made to a lot of record, a "Lot" is a single tract of land located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. means a parcel of land, not divided by streets, which is devoted or to be devoted to a particular use and occupied or capable of being occupied by a building and its accessory buildings together, including any required open space.~~

~~A lot shall have frontage on a public street, with exceptions for back lots and flag lots, as noted in the definitions for those types of lots.~~

~~Structures to be used for commercial or industrial purposes shall be built only on lots with frontage on a public street, nor shall a change of use be granted allowing a single-family dwelling served only by a right-of-way to be converted to commercial or industrial use. This prohibition shall not apply to dwellings in which a home occupation or profession, as defined above, is carried out.~~

Land within the lines of a public road or private road or right-of way shall not be counted as part of a lot for the purpose of meeting the area requirements of this Article even though fee title may be in the owner of the lot. No person shall reduce the size of a lot upon which structures

served by subsurface waste disposal systems are located to a size or frontage less than allowed in the applicable zone under this Article. ~~Contiguous lots in the same ownership shall be considered as one lot.~~ Wherever possible, newly created lots should be rectangular in shape, with side lot lines perpendicular to the street.

Where more than one structure occupies one lot, the lot may not be subdivided unless both resulting lots satisfy the minimum lot size, street frontage, set back, maximum building coverage, and other dimensional zone regulations for the zone(s) in which the resulting lots are located.

Lot, Flag: A lot ~~located~~ generally located to the rear of another lot, lacking the minimum street frontage required under applicable zone regulations, but having access to a public or private street or way, often via but with a narrow access portion of the lot extending to such the public street or way that is under. ~~The narrow access portion of the lot and the interior portion of the lot shall be in~~ common ownership or benefited by a permanently deeded right of way, ~~and shall be~~ suitable for ingress and egress. ~~Flag lots shall not be required to meet minimum street frontage.~~

* * *

Sec. 19-303 General Provisions

* * *

9. ~~Flag~~ Lots.

A. Measurement and Layout. Land within the lines of a public road or private road or right-of way shall not be counted as part of a lot for the purpose of meeting the area requirements of this Article even though fee title may be in the owner of the lot. Wherever possible, newly created lots should be rectangular in shape, with side lot lines perpendicular to the street. No person shall reduce the size of a lot by deed or other conveyance upon which structures served by subsurface waste disposal systems are located to a size or frontage less than allowed in the applicable zone under this Article. Contiguous lots in the same ownership shall be considered as one lot.

B. Frontage and Access. All lots and parcels of land, unless deemed to constitute a larger lot consisting of two or more lots or parcels of land under common ownership, shall have either (1) frontage on a public or private street or way in conformance with applicable zone regulations, or (2) vehicular and pedestrian access to and from the nearest public or private street or way, evidence of which access is of record in the Knox County Registry of Deeds.

C. Structures. Structures to be used for commercial or industrial purposes may be located only on a lot with frontage on a public street. The City shall not approve a change of use of a single-family dwelling that is accessed by vehicles via a right-of-way rather than frontage along a public or private street to a commercial or industrial use other than approved home occupations.

D. Flag Lots. Where permitted by the applicable zone regulations, the development or

redevelopment of existing or new Flag Lots shall adhere to the following requirements, in addition to any conditions imposed by the Planning Board upon review pursuant to Chapter 16:

(1)A. Development Standards. Flag lots shall not be required to meet minimum street frontage. The access road of flag lots must contain a minimum depth of fifteen (15) inches of bank-run gravel, and must have drainage, ditches and culverts at all appropriate points. If a flag lot is used for residential purposes, only a single-family detached dwelling shall be allowed on the flag lot; if for commercial purposes, only a single commercial use and occupant shall be permitted. The access portion of flag lots used for commercial purposes shall be landscaped and buffered from adjacent residential parcels and residential zones and shall also provide access to the adjacent parcel behind which the flag lot is primarily located (the "Front Lot"), either through common ownership or deeded right of way, and such Front Lot shall not have other access to or from the street.

(2)B. Dimensional Standards. The narrow access portion of the lot shall be at least twice the length of the front setback required in the district, and shall not be included in the calculation of the minimum lot area. The access road constructed on the right-of-way must be a minimum width of:

(1) twelve (12) feet, provided that a turn-around for ambulances is established near the home, and, if the access road extends one hundred (100) feet or more from the public street, that either (a) the home is sprinkled, or (b) if not sprinkled, one bump out is provided for emergency vehicles every one hundred and fifty (150) feet, which bump out(s) shall be at least fifteen (15) feet wide and twenty (20) feet long; or

(2) eighteen (18) feet for other uses;

The plan for the access road must be approved by the Fire Chief or his designee with regard to the safe passage of fire-fighting and other emergency equipment over it. The minimum lot area of a flag lot exclusive of the narrow access portion of the lot used for ingress and egress shall be the minimum lot size of the district in which the lot is located. No part of the narrow access portion of the lot shall be less than thirty (30) feet in width or greater than fifty (50) feet in width for residential uses, and no less than fifty (50) feet in width for commercial uses. No buildings or structures shall be constructed within the narrow access portion of the lot and such portion shall not be considered in determining required setbacks. The front setback requirement shall apply to all setbacks (side and rear) of a flag lot used for residential purposes, unless such side or rear setback is greater than the front setback in that zone, in which case the setback shall be the greater of the three.

10. Dormers.

Dormers installed in a sloping roof directly above the uppermost full story of a structure shall be limited in total size as follows: the total length of the front wall(s) of the dormer(s) shall not exceed 30% (thirty percent) of the eave length of the portion of the roof in which the dormer is built; provided, however, that there shall be no restriction on the length of dormers installed in a sloping roof directly above the first story of a structure.

~~1140~~. Non-Permitted Uses. Uses that are not expressly listed as either permitted uses or conditional uses in a zone are prohibited in that zone.

* * *

Sec. 19-304 Zone Regulations

1. RESIDENTIAL ZONE “A”

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar, new development and compatible in-fill development.

A. Permitted Uses

RESIDENTIAL ZONE “A” PERMITTED USES	
(1)	One-family dwellings
(2)	Two-family dwellings
(3)	Accessory Apartments
(4)	Home Occupations, Level 1 and Level 2, and home occupations similar in scale and impact to Level 1 and Level 2 Home Occupations.
(5)	Parcel 22-D-2 on the Assessor's Map on Summer Street and owned by Regional School Unit #13 may be used for any school purpose now enjoyed by the RSU #13 system on the adjacent property but only as long as the parcel also known as the Bradford Lot, is owned by the school system. If the parcel is ever sold, conveyed, given, or otherwise disposed of or if the school system ceases to exist, then the use of the parcel would revert back to the other permitted uses in the zone in which it is located.
(6)	Accessory uses customarily incident to other permitted uses including private garages, and Level 1 home occupations, provided, however, that such home occupations shall be situated in the dwelling in which the proprietor of the business resides, or in a building accessory thereto and located on the same lot.

B. Conditional Uses

The following conditional uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II):

RESIDENTIAL ZONE "A" CONDITIONAL USES

(1)	<p>Bed and Breakfast Establishments.</p> <p>(a) Parking and Buffering. Off-street parking shall be provided for all vehicles of both owners and guests in either the side or rear yards of the lot. Where the lot of a bed and breakfast borders on a lot used solely for residential purposes, a buffer strip shall be maintained. The desired effect of the buffer planting is visual screening of the activity on the bed and breakfast lot. Landscaping of the lot and any buffer strips shall be reviewed and approved by the Planning Board.</p>
(2)	<p>Churches, Expansion of Existing, and Uses Accessory to Existing Churches.</p> <p>(a) For the purposes of this section, uses accessory to existing churches shall be limited to the following:</p> <ul style="list-style-type: none"> (i) Meetings of church organizations. (ii) Religious education classes and child development programs. (iii) Food pantries. <p>(b) In its review, the Planning Board shall take into consideration the following factors and impose conditions accordingly: location; character and natural features of the site and adjoining property; fencing and screening; landscaping; topography and natural drainage; traffic hazards, vehicular access, circulation and parking; lighting; hours of operation.</p>
(3)	<p>Flag Lots</p>
(4)	<p>Funeral Homes, Expansion of Existing, and Uses Accessory to Existing Funeral Homes.</p> <p>(a) The Planning Board shall take into consideration the following factors and impose conditions accordingly in its review of any proposed expansion of an existing funeral home and/or uses accessory to an existing funeral home: location; character and natural features of the site and adjoining property; fencing and screening; landscaping; topography and natural drainage; traffic hazards, vehicular access, circulation and parking; lighting; and hours of operation.</p>
(5)	<p>Golf Courses, Expansion of existing onto contiguous property with the following conditions:</p> <ul style="list-style-type: none"> (a) No building(s) may be erected; (b) No parking space(s) may be created that are associated with the golf course use; (c) No artificial lighting may be installed or otherwise created for the use of the golf course.
(6)	<p>Home Occupation, Level 3, and home occupations similar in scale and impact to Level 3</p>

RESIDENTIAL ZONE “A” CONDITIONAL USES	
	Home Occupations
(7)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(8)	Public school buildings, discontinued, used for cultural and educational purposes; public access or local governmental affairs television studios and local non-profit community radio stations and studios broadcasting at no more than 100 watts horizontal radiated power, provided that broadcasting equipment, if any, shall be either remote or via one roof-mounted whip antenna not exceeding 35 feet in height, provided that the total height of the discontinued school building and roof-mounted antenna does not exceed the total height limit set forth in Section 19-313(4); and/or elderly assisted living housing of no more than 30 units. The above-referenced use is permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; sign, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances.

Notice Required. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing at least 10 days prior to consideration of the conditional use by the Planning Board.

C. Prohibited Uses

RESIDENTIAL ZONE “A” PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited.
(2)	Animal Restriction: No person shall keep any farm animals including but not limited to fowl, mule, donkey, sheep, goat, cattle, or swine, or non-domesticated animal, and no person shall keep any dogs or rabbits for breeding or commercial purposes, on any premises in this zone.

D. Standards

The following space and bulk standards shall apply to all lots and/or parcels of land:

RESIDENTIAL ZONE “A” STANDARDS	
Minimum Lot Size	6,400 <u>10,000</u> square feet sewered lots; 20,000 square feet for non-sewered lots
Maximum Building Coverage	50 <u>40</u> % (includes Principal and Accessory structures)
Minimum First Floor Area (Principal Structure)	500 <u>750</u> square feet <u>(Free-standing Residential Structures of fewer than 500 sq. ft. are allowed as accessory structures)</u>
Minimum Continuous Street Frontage along one street	60 <u>100</u> feet (Excludes Cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	Either: <u>Residential: 10</u> 25 feet** <u>Mixed-Use or Non-Residential: 25 feet</u> Or: <u>10 feet**</u>
Minimum Rear Setback	25 feet <u>from the closest structure on an adjacent lot, but no less than 8 feet from the property line</u> (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	8 feet
Minimum Side Setback (Accessory Structures)	5 feet
Maximum Building Height	35 feet and 2 ½ stories

<u>Materials – Unconnected Accessory Structures</u>	<u>Accessory structures not connected to a principal structure, except pre-fabricated utility sheds and fabric structures not exceeding 200 sq. ft. of first floor area, shall be constructed of and clad with materials of similar quality and appearance as the principal structure.</u>
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Notes:

*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

** In the case of an infill lot, the minimum front setback may be less than 25 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations.

* * *

3. RESIDENTIAL ZONE “B”

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar development.

A. Permitted Uses

RESIDENTIAL ZONE “B” PERMITTED USES	
(1)	One-family dwellings, two-family dwellings, multi-unit dwellings
(2)	Accessory Apartments
(3)	Home Occupation, Level 1 and Level 2, or a home occupation similar in scale and impact to a Level 1 or Level 2 Home Occupation
(4)	Churches, convents
(5)	Flag Lots
(6)	Golf courses, parks, playgrounds, municipal recreation use
(7)	Trailer parks
(8)	Accessory uses customarily incident to other permitted uses

B. Conditional Uses

The following are permissible with the approval of the Planning Board. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing, at the applicant's expense, at least 7 days prior to consideration of the conditional use by the Planning Board.

RESIDENTIAL ZONE "B" CONDITIONAL USES	
(1)	Bed and Breakfast Establishments
(2)	Home Occupation, Level 3
(3)	Home Occupation similar in scale and impact to Home Occupation Level 3
(4)	Lodging or Rooming houses;
(5)	Nurseries or commercial greenhouses shall be allowed north or west of Old County Road only, and provided that no greenhouse heating plant shall be located within 60 feet of any front lot line or within 25 feet of any other lot line
(6)	Farming
(7)	<p>Parking Lots. Parking lots shall be allowed in a Residential Zone "B" only with the following additional restrictions:</p> <ul style="list-style-type: none"> (a) Any parking lot located in a Residential Zone "B" shall be for the exclusive use of employees of the business requesting the special exception. (b) The parking lot shall be closed off and unavailable for use when the business requesting the special exception is not in operation. (c) No parking spaces shall be rented for profit. (d) Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business.
(8)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(9)	Schools and Day Care Facilities
(10)	Quasi-Public Uses

(11)	Any public utility building, if constructed to conform and harmonize with the buildings in this zone, provided further that the proposed use does not include a storage or service yard or repair shop, or outside storage of supplies.
(12)	On lots served by public sewerage, Assisted Living Facilities, and multi-family dwellings that include an Assisted Living Facility.

C. Prohibited Uses

RESIDENTIAL ZONE "B" PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise or vibration is prohibited

D. Standards

The following space and bulk standards shall apply to all lots and/or parcels of land:

RESIDENTIAL ZONE "B" STANDARDS	
Minimum Lot Size	6,400 square feet for sewerred lots 20,000 square feet for non-sewerred lots
Required Lot Area for Dwellings with two or more units	Sewered lots, except Assisted Living Facilities: 2,500 5,000 square feet for each unit; Non-sewerred lots: 20,000 square feet for the first unit, plus 10,000 for each additional unit.
Maximum Building Height	35 feet and 2½ stories
Maximum Building Coverage	7560 % (includes Principal and Accessory Structures)
Minimum Floor Area (Principal Structure Total Floor Area)	500 750 square feet (Free-standing Residential Structures of fewer than 500 sq. ft. are allowed as accessory

RESIDENTIAL ZONE "B" STANDARDS	
	<u>structures)</u>
<u>Maximum Floor Area – Unconnected Accessory Structures</u>	<u>Residential accessory structures not connected to a principal structure shall have a total first floor area of no more than 750 square feet</u>
Minimum Continuous Street Frontage along one street	<u>50.80</u> feet (Excludes cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	<u>Residential Structures: N/A</u> <u>Mixed-Use and Non-Residential Structures: 10.15</u> feet**
Minimum Rear Setback	<u>8.20</u> feet (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	<u>8.5</u> feet [<u>Comps - 12/15/15</u>]
Minimum Side Setback (Accessory Structures)	5 feet

Notes:

- * See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.
- ** In the case of an infill lot, the minimum front setback may be less than 10.15 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations.

Sponsor: Councilor Geiger
 Originator: Councilor Geiger

Postponed 8/8/16 to 11/14/16
 11 *Postponed 11/14/16 to 12/12/16*

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #34
IN CITY COUNCIL**

December 12, 2016

ORDINANCE AMENDMENT Short-Term Rentals – Property Manager & Evidence of Insurance

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, SECTION 11-210, Lodging Houses and Short-Term Rentals, BE AMENDED AS FOLLOWS:

Sec. 11-210 Lodging Houses & Short-Term Rentals

2. Short-Term Rental Permit

D. Eligibility

(2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the application either that (a) the structure is the applicant's primary residence, (b) the applicant's primary residence is at another residence within the City of Rockland, or (c) the applicant is a resident living in one of the municipalities listed below or (d) the applicant has contracted with a property manager with its principal place of business identified an individual or management company whose residence, or in the case of a of a management company, whose business is in Rockland, Thomaston, Owls Head, Rockport, ~~or~~ Warren, Camden, Hope, Cushing or St. George, which contract requires such property manager and who is available to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;

* * * *

(4) Where the proposed short-term rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either (a) maintains his/her primary residence elsewhere in Rockland or (b) is a resident living in one of the municipalities listed below or (c) has contracted with a property manager with its principal place of business identified an individual or management company who's residence, or in the case of a of a management company, whose business is in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager and who is available to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

G. Permitting Authority; Review Criteria

Review Level I:	Applicant shall provide <u>satisfactory evidence or certificate</u> of current insurance providing coverage for the use of the premises as a short-term rental. <u>and for bodily injury and</u>
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~~property damage sustained or caused by the owner, guests, and others admitted to the premises.~~ Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a STR for Short Term Rental, and Applicant shall cause the City to be named as a certificate holder for each such policy.

Applicant shall provide the name, address, and telephone number of the person(s) who will be responsible for management of the STR.

Applicant shall provide two on-site parking spaces for a single-family structure and three on-site spaces for a two-family structure.

Applicant shall not currently be in violation of any applicable law, ordinance, or regulation relating to a short-term rental, lodging house, bed and breakfast establishment, hotel or motel, or other commercial residential facility.

Review Level II:

Applicant shall demonstrate compliance with applicable¹ building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

Applicant shall provide ~~satisfactory~~ evidence or certificate of current insurance providing coverage for the use of the premises as a short-term rental, ~~and for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises.~~ Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a STR for Short Term Rental, and Applicant shall cause the City to be named as a certificate holder for each such policy.

Sponsor:

Originator: Code Enforcement Officer

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #35
IN CITY COUNCIL**

December 12, 2016

ORDINANCE AMENDMENT: LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE OF 2016; AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM IN THE CITY OF ROCKLAND, KNOX COUNTY, MAINE.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. This Ordinance shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance.”

Section 2. Definitions. As used in this ordinance:

(a) “Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.

(b) “Home consumption” means consumed within a private home.

(c) “Local Foods” means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm- and home-based sales or buying clubs, at farmers markets, roadside stands, fundraisers or at community social events.

(d) “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.

(e) “Producer” means any farmer or gardener who grows any plant or animal for food or drink.

(f) “Community social event” means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market and other public events.

Section 3. Preamble and Purpose. We the People of Rockland, Knox County, Maine have the right to grow, produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of our local food economy, family farms and food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the City of Rockland. We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute an usurpation of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the

environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.

The purpose of the Local Food and Community Self-Governance Ordinance is to:

- (i) Provide citizens with unimpeded access to local food;
- (ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
- (iii) Protect access to farmers' markets, roadside stands, farm based sales and direct producer to patron sales;
- (iv) Support the economic viability of local food producers and processors;
- (v) Support and promote small-scale, local and backyard farming;
- (vi) Preserve community social events where local foods are served or sold;
- (vii) Preserve local knowledge and traditional foodways.

Section 4. Authority. This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the City of Rockland to self-government, and under the authority recognized as belonging to the people of the City by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I, § 2 of the Maine Constitution, which declares: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the City of Rockland.

§1-A of Title 7 of the Maine Revised Statutes which states: "The survival of the family farm is of special concern to the people of the State, and the ability of the family farm to prosper, while producing an abundance of high quality food and fiber, deserves a place of high priority in the determination of public policy."

§ 1-B of Title 7 of the Maine Revised Statutes which states: "...The preservation of rural life and values in the State {is} the joint responsibility of all public agencies, local, state and federal, whose policies and programs substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation of programs that assist in the maintenance of family farms{...}, and improve health and nutrition. The state agencies in addition to the department include, but are not limited to, the Department of Education, Department of Health and Human Services, Department of Labor and the Department of Agriculture, Conservation and Forestry.

§201-A of Title 7-A of the Maine Revised Statutes which states: “It is the policy of the State to encourage food self-sufficiency for its citizens. The department (Department of Agriculture, Conservation and Forestry) shall support policies that:

1. Local Control. Through local control preserve the abilities of communities to produce, process, sell, purchase, and consume locally produced foods.

2. Improved Health and Well-Being. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing;

3. Self-reliance and personal responsibility. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise and sell foods directly to customers intended solely for consumption by the customers or their families.

Section 5. Statements of Law.

Section 5.1. Licensure/Inspection Exemption. Producers or processors of local foods in the City of Rockland are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers’ markets or roadside stands; sells his or her products through farm- or home-based sales directly to a patron; or delivers his or her products directly to patrons.

Section 5.1.a. Licensure/Inspection Exemption. Producers or processors of local foods in the City of Rockland are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

Section 5.2. Right to Access and Produce Food. Rockland citizens possess the right to save and exchange seed; grow, produce, process, sell, purchase, and consume local foods of their choosing.

Section 5.3. Right to Self-Governance. All citizens of Rockland possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people’s authority and consent.

Section 5.4. Right to Enforce. Rockland citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

Section 6. Statement of Law. Implementation. The following restrictions and provisions serve to implement the preceding statements of law.

Section 6.1. State and Federal Law. It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term “corporation” shall mean any business entity organized under the laws of any state or country.

Section 6.2. Patron Liability Protection. Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

Section 7. Civil Enforcement. The City of Rockland may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the City of Rockland shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

Section 8. City Action against Pre-emption. The foundation for making and adoption of this law is the peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the City to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government.

Section 9. Effect. This Ordinance shall be effective immediately upon its enactment.

Section 10. Severability Clause. To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

Section 11. Repealer. All inconsistent provisions of prior Ordinances adopted by the City of Rockland are hereby repealed, but only to the extent necessary to remedy the inconsistency.

Section 12. Human Rights and Constitutionality. Nothing in this ordinance shall be construed as authorizing any activities or actions that violate human rights protected by the U.S. Constitution or the Constitution of the State of Maine.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

CITY OF ROCKLAND, MAINE

ORDER #67

IN CITY COUNCIL

December 12, 2016

ORDER Authorizing Blanket Letter of Approval – Games of Chance Licenses

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Games of Chance Licenses for the following establishments and/or organizations be approved for a period of one (1) year beginning January 1, 2017, and that a blanket letter of approval be sent to the Maine State Police notifying them of this approval:

Winslow-Holbrook-Merritt Post #1, American Legion
Rockland Memorial Post #2499, VFW
Benevolent and Protective Order of Elk, Lodge #1008
St. Bernard's Parish Center
Rockland Masonic Temple Corporation
American Legion Auxiliary, Unit #1
Limerock Council #138, Knights of Columbus
Penobscot Bay Regional Chamber of Commerce
Rockland Social Club
Vanguard Colorguard
Rockland Emblem Club
Rockland Kiwanis Club
Rockland Rotary Club

Sponsor: City Clerk
Originator: City Clerk

CITY OF ROCKLAND, MAINE

ORDER #68

IN CITY COUNCIL

December 12, 2016

ORDER Authorizing Blanket Letter of Approval – Beano/Bingo Licenses

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Beano/Bingo Licenses for the following establishments and/or organizations be approved for a period of one (1) year beginning January 1, 2017, and that a blanket letter of approval be sent to the Maine State Police notifying them of this approval by mail:

Winslow-Holbrook-Merritt Post #1, American Legion
Rockland Memorial Post #2499, VFW
Benevolent and Protective Order of Elk, Lodge #1008
St. Bernard's Parish Center
Rockland Masonic Temple Corporation
American Legion Auxiliary, Unit #1
Limerock Council #138, Knights of Columbus
Penobscot Bay Regional Chamber of Commerce
Knox County Fish and Game Association
Rockland Social Club
Vanguard Colorguard
Rockland Emblem Club
Rockland Kiwanis Club
Rockland Rotary Club

Sponsor: City Clerk
Originator: City Clerk

CITY OF ROCKLAND, MAINE

ORDER #69

IN CITY COUNCIL

December 12, 2016

ORDER Accepting Forfeited Assets – Court

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, pursuant to 15 M.R.S. §§ 5824(3) and 5826(6), the City of Rockland hereby grants approval of the transfer of the Defendants *in Rem* listed below, or any portion thereof, on the ground that the Rockland Police Department did make a substantial contribution to the investigation of the case:

\$9,320.00 U.S. Currency, State of Maine v. Christopher Court, Unified Criminal Court Docket # CR-16-709.

Sponsor: City Manager

Originator: Police Department

STATE OF MAINE
Lincoln, ss

UNIFIED CRIMINAL COURT
Docket No. CR-16-709

State of Maine	}	
	}	Municipality of Rockland
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Christopher Court,	}	
Defendant;	}	
	}	
And	}	
	}	
\$9,320.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Rockland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of 25% the above captioned Defendant(s) in Rem (\$2,330.00 U.S. Currency), or any portion thereof, on the grounds that the Rockland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Rockland, Maine does hereby approve of the transfer of the Defendant(s) in Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Rockland municipal legislative body on or about

_____.

Dated: _____

Municipal Officer
Rockland, Maine
(Impress municipal legislative body seal here)

CITY OF ROCKLAND, MAINE

RESOLVE #70

IN CITY COUNCIL

December 12, 2016

RESOLVE Establishing an Ad Hoc City Manager Search Committee

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT there is hereby established an Ad Hoc City Manager Search Committee for the purposes of establishing minimum qualifications, experience, and/or accomplishments for applicants; soliciting applications; reviewing resumes; interviewing candidates for City Manager; certifying candidates to the City Council, and advising the City Council as to the selection of a new City Manager. The Committee shall consist of eight members; two members of City staff, two members of the Personnel Board, two members of the City Council, and two citizens at large, to be appointed by the Mayor and confirmed by the City Council. The Committee shall dissolve upon the hiring of a new City Manager.

Sponsor: City Council
Originator: City Council