

***CITY OF ROCKLAND, MAINE***



***270 Pleasant Street  
Rockland, Maine 04841***

**CITY CLERK'S OFFICE**

January 2, 2015

***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, JANUARY 5, 2015 AT 6:30 P.M. FOR  
THE FOLLOWING PURPOSE(S):***

***[Please Note Starting Time and Date]***

**Presentation by Gorrill Palmer - Camden Street Planning Initiative Grant  
Resolve #1 - Appointments to Energy Advisory Committee  
Set Agenda for January 12, 2015 Regular Meeting**

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

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***STUART H. SYLVESTER  
CITY CLERK***

**CITY OF ROCKLAND, MAINE**

**RESOLVE # 1**

**IN CITY COUNCIL**

January 5, 2015

**RESOLVE** Appointments to the Energy Advisory Committee

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the appointments by the Mayor of the following persons to the Energy Advisory Committee for the terms listed are hereby confirmed:

Councilor Larry Pritchett, of 39 Brewster Street, is hereby appointed to fill a vacancy on that Committee, and shall serve until that term expires in 2017;

Deborah Donnelly, of 188 Bog Road, is hereby appointed to fill a vacancy on that Committee, and shall serve until that term expires in 2017.

Brooks Winner, of 7 Granite Street, is hereby appointed to fill a vacancy on that Committee, and shall serve until that term expires in 2016.

Sponsor: Mayor Isganitis  
Originator: Mayor Isganitis

**ITEMS FOR THE JANUARY 12, 2015 REGULAR MEETING:            January 5, 2015**

**Communications: 12/24/14 Michaelsen / LaPosta E-mail – Bed & Breakfast Regulations**

**Licenses and Permits:**

- a. Liquor and Entertainment Licenses – Park Street Grille
- b. Liquor and Amusement Device Licenses – Pizza Hut
- c. Liquor and Entertainment Licenses – Suzuki’s Sushi

**Resolves:**

- # 2 Appointments to Boards, Commissions & Committees
- # 3 Accepting Donations – Library
- # 4 Appointment – Registrar of Voters
- # 5 Authorizing Meeting W/RSU #13 & State Leg. Delegation – St. George Withdrawal

**Ordinances in Final Reading and Public Hearing:**

- #10 Ch. 19, Art. III Container Restaurants (Postponed 9/8/14)
- #22 Ch. 17, Sec. 17-802 Tillson Ave Parking (Postponed 9/8/14)
- #36 Ch. 19, Art. III CCOZ (Postponed prior to public hearing 12/8/14)
- #37 Zoning Map Amendment – CCOZ (Postponed prior to public hearing 12/8/14)
- #40 Ch. 14 & 19 ZBA Scope of Review

**Ordinances in First Reading:**

- #29 Ch. 3, Sec. 3-209 Dogs Prohibited in Certain Parks (Postponed 9/8/14)
- # 1 Ch. 2, Art. XIV Updating Public Works Dept. Duties
- # 2 Ch. 14, Sec. 14-316 Eliminating Redundant Text – Street Opening Permits
- # 3 Ch. 15, Art. I & Art. IV Street Opening Permits
- # 4 Ch. 19, Sec. 19-307 Coordinating Street Opening and Driveway Permitting

**Orders:**

- #83 Use of Reserve Funds – Sandy Beach Parking Area (Postponed 10/15/14)
- # 1 Amending Licenses & Permits Fee Schedule – Adult Amusement Store License
- # 2 Authorizing Transfer of Funds – FY14 Solid Waste Budget Shortfall
- # 3 Authorizing Transfer of Funds – Solid Waste Facility Equipment Repairs
- # 4 Authorizing License Agreement for Fence at 39 Pleasant Street

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

Name of Applicant John Bowden Jill Goodridge Phone 594-4944

Address of Applicant 279 Main St., STE # 7  
Rockland, ME 04841

Name of Business Bowden Enterprises LLC / d/b/a Park Street Grille Phone 594-4944

Address of Business 279 Main St., STE # 7  
Rockland, ME 04841

Name of Property Owner (if different) Frank Ferriolo

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

Type of Business Restaurant

Expiration of Current License 2/25/15

Fee(s) Paid \$ 300 Date \_\_\_\_\_

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 Jill Goodridge Date 12/11/14

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Police Chief 12/12/14 Date \_\_\_\_\_

\_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
164 STATE HOUSE STATION  
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER: <u>5764</u>	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 2/25/2015

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTINONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
<u>John Bowden</u>			<u>Bowden Enterprises</u>		
DOB: <u>5/17/65</u>			<u>D/O/A Park Street Grille</u>		
DOB:			Location (Street Address)		
DOB:			<u>279 Main St., STE # 7</u>		
Address			City/Town State Zip Code		
			<u>Rockland ME 04841</u>		
City/Town State Zip Code			Mailing Address		
			<u>279 Main St., STE # 7</u>		
City/Town State Zip Code			City/Town State Zip Code		
			<u>Rockland ME 04841</u>		
Telephone Number		Fax Number	Business Telephone Number		Fax Number
			<u>207-594-4944</u>		
Federal I.D. # <u>20-0695462</u>			Seller Certificate # <u>5764</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 561,659<sup>04</sup> LIQUOR \$ 240,711<sup>94</sup>
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES  NO

7. If manager is to be employed, give name: \_\_\_\_\_

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
Requested inspection date: A.M. Business hours: 11:30-9:00 Tues-Sunday closed Mon

9. Business records are located at: 279 Main St., STE # 7 and Phillip Brook & Assoc. 4 Walnut St. and

10. Is/are applicant(s) citizens of the United States? YES  NO
11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. 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 Bowden	5/17/1965	Providence, R.I.
Jill Goodridge	3/22/68	Haverhill, MA

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

Rockland ME for John  
 Rockland ME for Jill

13. 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: John Bowden Date of Conviction: 2004  
 Offense: DWI Location: Rockland, ME  
 Disposition: Settled

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

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

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: Frank Ferraiolo, 711 St. George Rd. South Thomaston, ME 04858

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 75 seat, 19 table restaurant (75 seats includes bar)

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

19. 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 mile Which of the above is nearest? church

20. 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: loans of the 1st Nat'l Bank of Damariscotta

The Division of Liquor Licensing & Inspection 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."

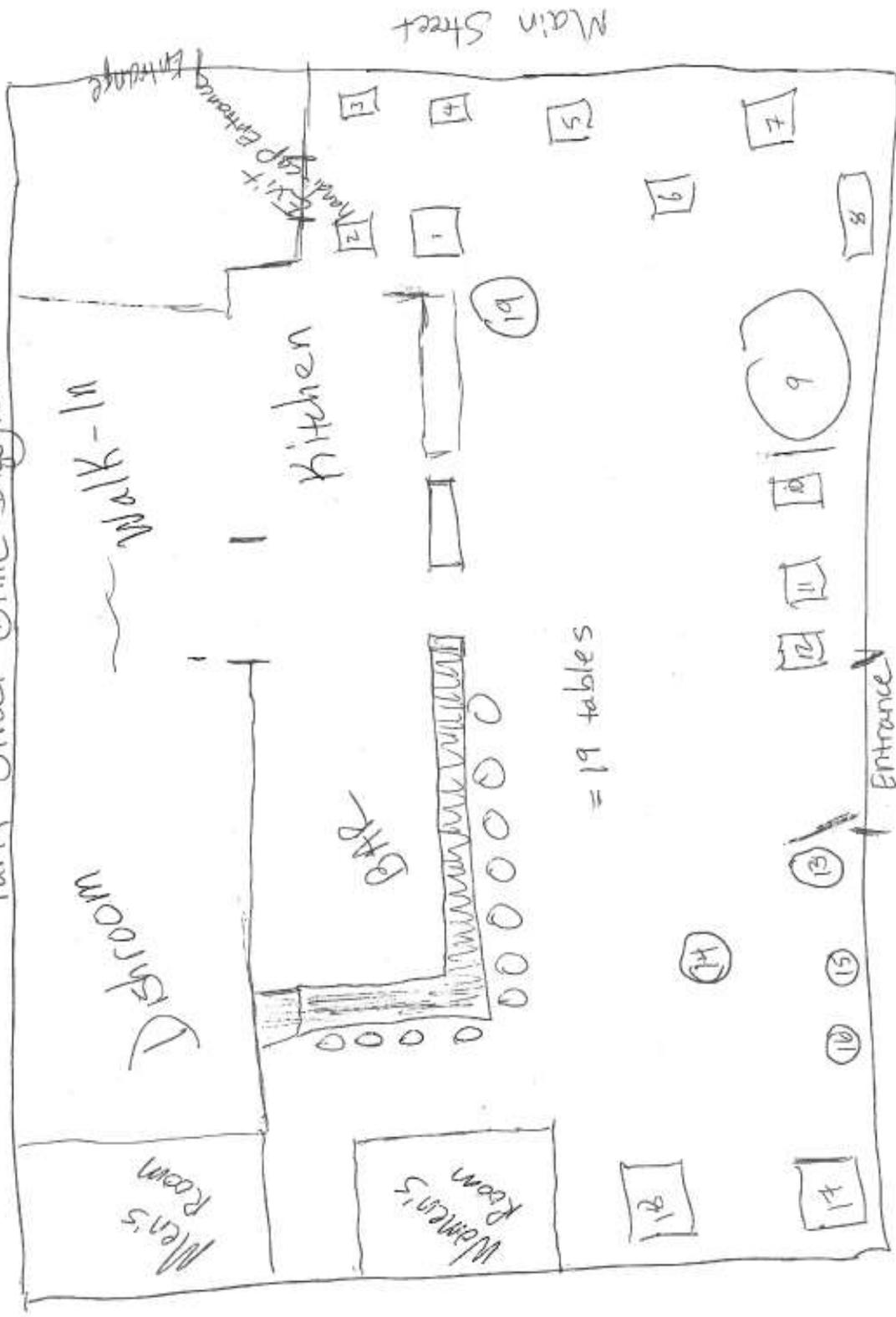
Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_

*Jill Goodridge*  
 Signature of Applicant or Corporate Officer(s)  
 Jill Goodridge  
 Print Name

Please sign in blue ink

*Jill Goodridge*  
 Signature of Applicant or Corporate Officer(s)  
 Jill Goodridge  
 Print Name

# Park Street Grille Diagram



Main Street

Park Street

Restroom

Walk-in

Kitchen

BAR

= 19 tables

Entrance

Rest +  
Walk-in  
Entrance

Men's  
Room

Women's  
Room

1

2

3

4

5

6

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19

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

Name of Applicant Capital Pizza Huts Phone \_\_\_\_\_

Address of Applicant 3445 N Webb Rd

Wichita, KS 67226-8190

Name of Business Pizza Hut Phone (202) 947-6915

Address of Business 190 Camden St

Rockland, ME 04841

Name of Property Owner (if different) William Bird

Type of License(s):  Liquor  Victualer  Entertainment

Lodging House  Commercial Hauler  Landscape Contractor

Billiard Room  Second Hand Dealer  Other (Specify) Amusement Device (1)

Type of Business Restaurant

Expiration of Current License 2/12/15

Fee(s) Paid \$275.00 Date 12/4/14

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 12/4/14

Approved By: Paul R. Brown, Registered Agent License # \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

[Signature] Police Chief 12/12/14 Date \_\_\_\_\_

\_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
164 STATE HOUSE STATION  
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.  
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 2/12/15

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)       |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A)           | <input type="checkbox"/> HOTEL (Class I,II,III,IV)          |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)                  | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V)                            | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV)      |
| <input type="checkbox"/> TAVERN (Class IV)                         | <input type="checkbox"/> OTHER: _____                       |

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> --(Sole Proprietor, Corporation, Limited Liability Co., etc.) Capital Pizza Huts, Inc. <b>DOB:</b>	<b>2. Business Name (D/B/A)</b> Pizza Hut
<b>DOB:</b>	
<b>DOB:</b>	<b>Location (Street Address)</b> 190 Camden Street
<b>Address</b>	<b>City/Town</b> Rockland <b>State</b> ME <b>Zip Code</b> 04841
	<b>Mailing Address</b> c/o Amanda Williams, P.O. Box 919
<b>City/Town</b> <b>State</b> <b>Zip Code</b>	<b>City/Town</b> Bangor <b>State</b> ME <b>Zip Code</b> 04402-0919
<b>Telephone Number</b> <b>Fax Number</b>	<b>Business Telephone Number</b> <b>Fax Number</b>
<b>Federal I.D. #</b>	<b>Seller Certificate #</b>

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 476,402 LIQUOR \$ 4,993
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: Kelli H. Fifield
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
Requested inspection date: \_\_\_\_\_ Business hours: Sun-Thurs 11AM-11PM  
Fri-Sat 11AM-12PM
9. Business records are located at: 3445 N. Webb Road, Wichita, KS

10. Is/are applicant(s) citizens of the United States? YES  NO   
 11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. 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
Kelli H. Fifield	1/20/67	Bridgeton, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
 W. Baldwin, ME

13. 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: \_\_\_\_\_

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

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

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_  
 William Bird, 191 Park Street, Rockland, ME 04841

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_  
 43' x 94' brick building

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

19. 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? 1000 Which of the above is nearest? Church

20. 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 & Inspection 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: Wichita, KS on 11/15, 2014  
Town/City, State Date

Please sign in blue ink

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)

Daniel N. Wiese  
 Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
 Print Name

Daniel N. Wiese  
 Print Name

City of Auburn, Maine  
"Maine's City of Opportunity"

Office of the City Clerk

**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS**

1. Exact Corporate Name: Capital Pizza Huts, Inc.  
Business D/B/A Name: Pizza Hut
2. Date of Incorporation: June 15, 1972
3. State in which you are incorporated: Colorado
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: December 20, 1982
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Kenneth J. Wagon	Wichita, KS	5/23/38	85%	shareholder
Sharon B. Rasberry	Wichita, KS	10/15/47	15%	President
Daniel N. Wiese	Wichita, KS	12/26/54		VP/Sec/Treas

6. What is the amount of authorized stock? 50,000 Outstanding Stock? 8,385
7. Is any principal officer of the corporation a law enforcement official? Yes  No
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes  No
9. If YES, please complete the following: Name: \_\_\_\_\_  
Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_  
Location: \_\_\_\_\_ Disposition: \_\_\_\_\_  
Dated at: \_\_\_\_\_ City/Town On: \_\_\_\_\_ Date

*Daniel N. Wiese*  
Signature of Duly Authorized Officer

11/15/14  
Date

Daniel N. Wiese, Vice President  
Print Name of Duly Authorized Officer

RV 42011

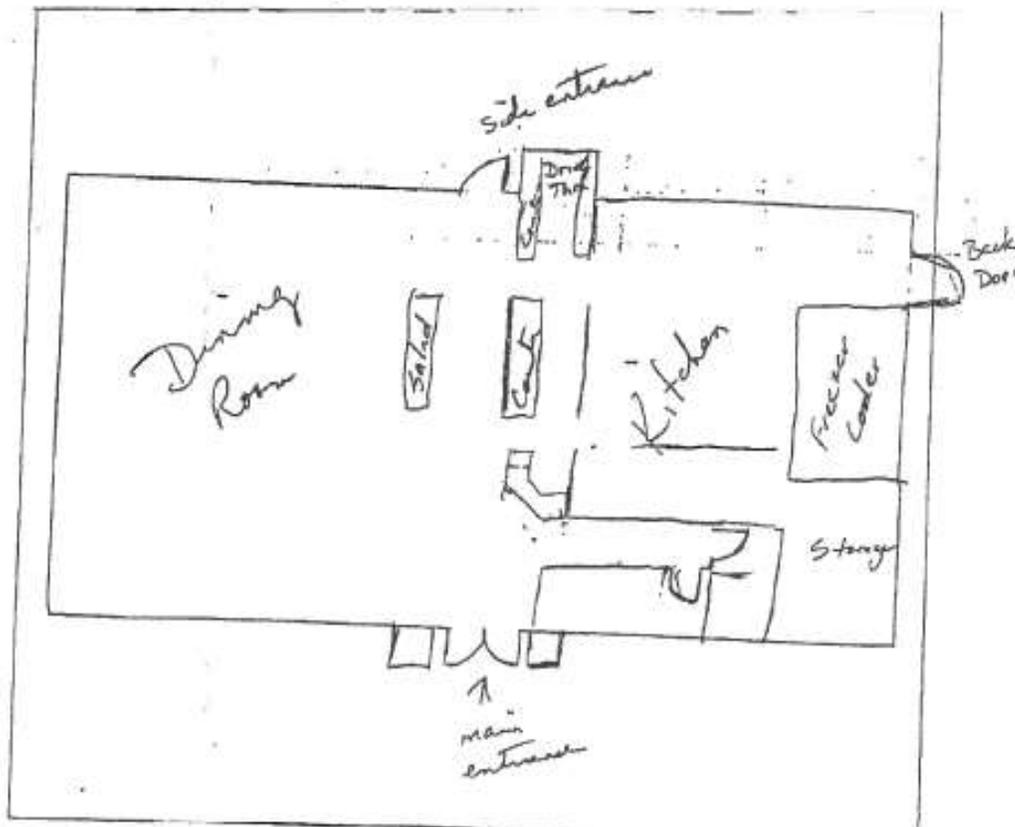


Bureau of Alcoholic Beverages  
Division of Liquor Licensing & Enforcement  
164 State House Station  
Augusta, ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 387-3424

## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



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

Name of Applicant Suzuki's Sushi Bar Phone 596-0731

Address of Applicant 419 Main Street  
Rockland, Me 04841

Name of Business Suzuki's Sushi Bar Phone 596-7447

Address of Business 419 Main St.  
Rockland Me 04841

Name of Property Owner (if different) Peter Sandefur

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

Type of Business Restaurant

Expiration of Current License 2/6/2015

Fee(s) Paid \$300.00 Date Dec. 15, 2014

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 Joseph Sandefur Date 12/15/2014

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

\_\_\_\_ Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_ Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_ Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Police Chief 12/12/14 Date \_\_\_\_\_

\_\_\_\_ Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<b>BUREAU USE ONLY</b>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

**PRESENT LICENSE EXPIRES** 2-6-2015

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)       |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A)           | <input type="checkbox"/> HOTEL (Class I,II,III,IV)          |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)                  | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V)                            | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV)      |
| <input type="checkbox"/> TAVERN (Class IV)                         | <input type="checkbox"/> OTHER: _____                       |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>SUZUKI'S SUSHI</u> DOB: <u>INC</u>		2. Business Name (D/B/A) <u>SUZUKI'S SUSHI</u>	
DOB:		Location (Street Address) <u>419 MAIN ST</u>	
DOB:		City/Town State Zip Code <u>ROCKLAND, ME 04841</u>	
Address <u>419 MAIN ST</u>		Mailing Address <u>419 MAIN ST</u>	
City/Town State Zip Code <u>ROCKLAND ME 04841</u>		City/Town State Zip Code <u>ROCKLAND ME 04841</u>	
Telephone Number <u>207 596-0731</u>		Business Telephone Number <u>207 596-7447</u>	
Fax Number <u>596-0731</u>		Fax Number <u>N/A</u>	
Federal I.D. # <u>20-3406780</u>		Seller Certificate #	

3. If premises are a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 320,000 LIQUOR \$ 80,000
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire, if YES

6. Do you permit ~~drinking~~ or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: \_\_\_\_\_
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: JOSEPH STEINBERGER, CLERK, 7644 ST. R., ROCKLAND ME 04841
10. Is/are applicants(s) citizens of the United States?  YES  NO

(SEE REVERSE)

\* #10 THE APPLICANT IS A MAINE CORPORATION.  
 THE OFFICERS & PRINCIPAL SHAREHOLDERS  
 ARE JOSEPH STEINBERGER, A U.S. CITIZEN,  
 AND HIS WIFE KEIKO SUZUKI STEINBERGER,  
 A U.S. PERMANENT RESIDENT AND A  
 CITIZEN OF JAPAN

11. Is/are applicant(s) residents of the State of Maine? YES  NO   
 12. 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
MEIKO SUZUKI STEINBERGER	10/7/77	SENDAI, JAPAN
JOSEPH STEINBERGER	11/4/44	BOSTON, USA

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

7 GAY STREET PLACE, ROCKLAND, ME 04841

13. 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: \_\_\_\_\_

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

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

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: MAINE  
 STREET VENTURES LLC, 415 MAIN ST, ROCKLAND, ME 04841

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) JAPANESE SUSHI  
 RESTAURANT 1200 SQFT SEATING 32 (SEE DIAGRAM)

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

19. 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? 800 ft. Which of the above is nearest? CHURCH

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

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection 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 December 15, 2015

Joseph Steinberger  
 Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

JOSEPH STEINBERGER

Joseph Steinberger

STATE OF MAINE  
Liquor Licensing & Inspection Unit  
164 State House Station  
Augusta, Maine 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424

**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS**

1. Exact Corporate Name: SUZUKI'S SUSHI, INC.  
Business D/B/A Name: SUZUKI'S
2. Date of Incorporation: 8/23/05
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
JOSEPH STEINBERGER	7644 ST PL, ROCKLAND, ME	11/4/44	78%	SEC/CLERK
KEIKO SUZUKI STEINBERGER	4 0481	10/7/77		PRES
RICHARD NED STEINBERGER	42 HILLTOP RD., NOBLEBORO, ME 04555	11/21/48	12%	-

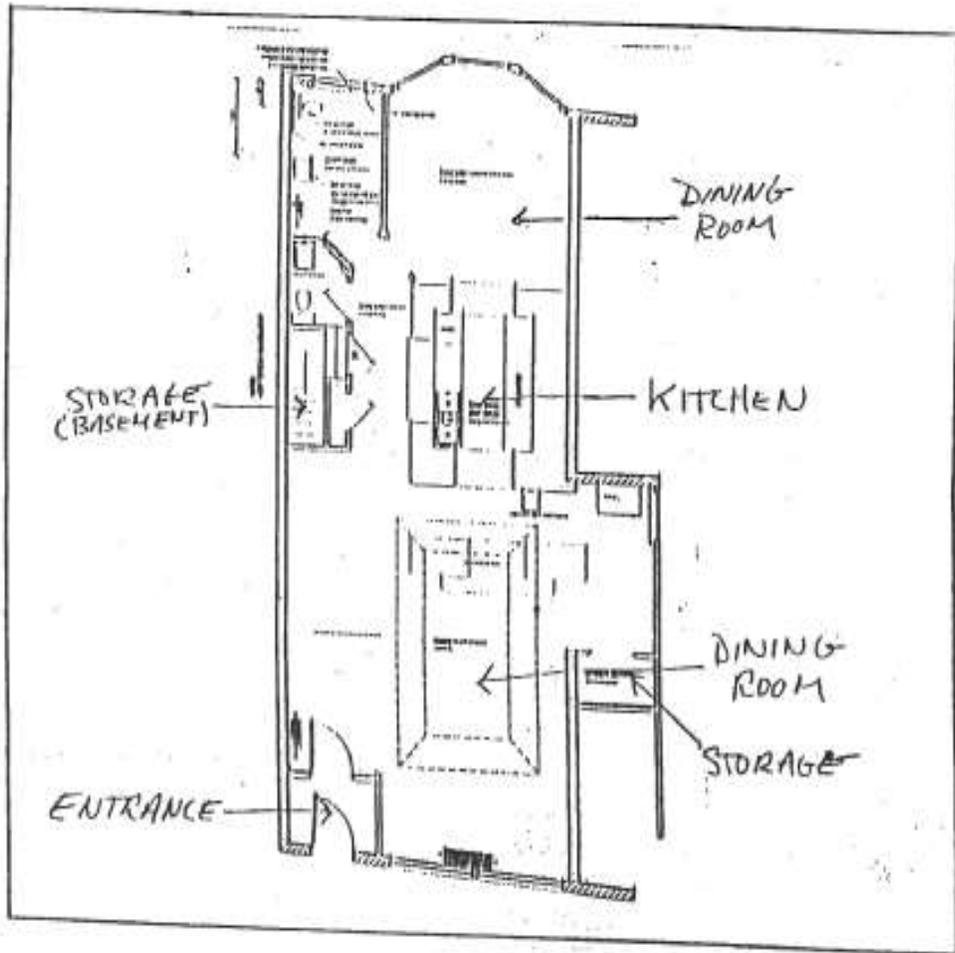
6. What is the amount of authorized stock? 135 Outstanding Stock? 85
7. Is any principal officer of the corporation a law enforcement official? ( ) YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES (X) NO.
9. If yes, please complete the following: Name: \_\_\_\_\_  
Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_  
Location: \_\_\_\_\_ Disposition: \_\_\_\_\_  
Dated at: \_\_\_\_\_ City/Town On: \_\_\_\_\_ Date

  
Signature of Duty Authorized Officer

Date: Dec 15, 2015

JOSEPH STEINBERGER SEC/CLERK  
Print Name of Duty Authorized Officer

PREMISE DIAGRAM



**CITY OF ROCKLAND, MAINE**

**RESOLVE # 2**

**IN CITY COUNCIL**

January 12, 2015

**RESOLVE** Appointments to Boards, Commissions and Committees

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

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

Amy Files, 39 Pleasant Street is hereby appointed as a Full Member of the Comprehensive Planning Commission to fill a vacancy on the Commission, and shall serve until that term expires in 2017;

Gregory Pinto, 195 Broadway, is hereby appointed to the Park Advisory Committee to fill a vacancy on that Committee, and shall serve until that term expires in 2016;

PJ Walter, 96 Limerock Street, is hereby appointed to the Parking Advisory Committee to fill a vacancy on that Committee, and shall serve until that term expires in 2016;

Paul Chartrand, 45 Crescent Street, is hereby appointed as the Democratic Representative to the Board of Registration Appeals to fill a vacancy on that Board, and shall serve until that term expires in 2017; and

Councilor Louise MacLellan-Ruf is hereby appointed as the City Council Representative to the Ad Hoc Harbor Park Re-Design Committee for an indefinite term.

Sponsor: Mayor Isganitis  
Originator: Mayor Isganitis

**CITY OF ROCKLAND, MAINE**

**RESOLVE # 3**

**IN CITY COUNCIL**

January 12, 2015

**RESOLVE** Accepting Donations - Library

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**WHEREAS**, the Friends of the Rockland Public Library donated \$2003.61 for 154 children's titles to be added to the children's collection, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, the Cindy Lang of Tenants Harbor, Maine donated \$65 to the Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003);

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

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

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**RESOLVE # 4**

**IN CITY COUNCIL**

January 12, 2015

**RESOLVE** Appointment of Registrar of Voters

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, pursuant to Title 21-A, M.R.S. § 101.2, Kara Cushman is hereby appointed as Registrar of Voters for the City of Rockland for a term of two years beginning January 1, 2015.

Sponsor: Mayor Isganitis  
Originator: Mayor Isganitis

**CITY OF ROCKLAND, MAINE**

**RESOLVE # 5**

**IN CITY COUNCIL**

January 12, 2015

**RESOLVE** Authorizing City Delegation to Meet With RSU #13 Representatives to Discuss the Effect of St. George's Withdrawal on the City of Rockland

**WHEREAS**, the Town of St. George voted in November to withdraw from RSU #13; and

**WHEREAS**, Rockland representatives to the RSU #13 School Board have requested that the City Council meet with them; and

**WHEREAS**, the City Council wishes to take a pro-active approach in understanding the financial and educational impact of the withdrawal on Rockland students and taxpayers,

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

**THAT** Mayor Isganitis, Councilor MacLellan-Ruf, and Finance Director Luttrell are authorized to meet with the RSU 13 School Board, elected Rockland representatives on the RSU 13 School Board, the RSU 13 Superintendent, and/or the City's Legislative Delegation to discuss and better understand the financial impacts of the Town of St. George's impending withdrawal from RSU #13, and periodically to report back regarding the same to the City Council, in an effort to protect the interests of both Rockland students and taxpayers.

Sponsor: Mayor Isganitis

Originator: Mayor Isganitis

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #10  
IN CITY COUNCIL**

April 14, 2014

**ORDINANCE AMENDMENT:** Exempting Container Restaurants And Food Wagons From Certain Zoning Regulations

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTIONS 19-302, Definitions, and 19-309, Exceptions and Exemptions, BE AMENDED AS FOLLOWS:**

**Sec. 19-302 Words and Phrases Defined**

**ADD, ALPHABETICALLY:**

**Container Restaurant.** A prefabricated, mobile shipping or storage container converted for use as a take-out or eat-in restaurant.

**Food Wagon.** A small bus, truck, or other vehicle, or stand, trailer, or other small mobile structure outfitted for selling or for serving light meals and snacks to the public. The term “food wagon” does not include push carts that are removed daily or vehicles selling food from the street in accordance with Chapter 15, Article I, Section 15-109.

**Sec. 19-309 Exceptions and Exemptions**

1. Special Classes. No building may be erected, altered, or used, and no land may be used, for any of the following special use classes in the Residential A and AA zones. In other zones, the Planning Board, applying the procedures and standards set forth in Chapter 16, Article II, may approve such use in any zone other than Residential A or AA zones, upon application, notice, and public hearing, and upon a determination that the use will not be detrimental or injurious to the neighborhood, and that there will be provided fencing and screening adequate to provide visual and auditory barriers from other properties and public rights of way, and that the applicant has demonstrated compliance with all other applicable City ordinances. All owners of property located within 300 feet of the lot lines of the subject parcel shall be notified of the Special Class application, in writing and at least seven days prior to the public hearing, and shall be provided an opportunity to be heard at such hearing.

- A. Cemetery;
- B. Municipal use (not otherwise provided for);
- C. Public utility use (other than as provided by Section 19-304(3)(B));
- D. Stables, public; saddle horses for hire;
- E. Transformer stations;
- F. Wind power generation equipment;

G. Temporary Buildings that house a use incidental to and reasonably required by an occupant of residential property on the same parcel for a non-commercial purpose (other than the storage or repair of a recreational or fishing vessel, or fishing equipment). Such temporary buildings shall be removed within one (1) year at the owner's expense, unless the permit therefor shall have been extended by the Board for not more than one year. Applications for temporary building permits must be accompanied by a bond, bill of sale, or other instrument acceptable to the City Manager to guaranty the removal and disposal of the building.

## 2. Seasonal Container Restaurants & Food Wagons.

A. Exemption From Certain Standards. In the Downtown and Tillson Avenue Area Overlay Zones, container restaurants and food wagons having total floor areas of fewer than 350 sq. ft. and utilized for less than six months / calendar year shall be exempt from the following standards, where applicable:

(1) Architectural and/or Design Standards;

(2) Space and Bulk Standards;

(3) Maximum front setbacks; and

(4) Buffering and Screening performance standards.

### B. Planning Board Review.

(1) No person, corporation, or other legal entity may place, construct, add to, or use any seasonal container restaurant or food wagon without first applying for and obtaining approval of the same from the Planning Board, pursuant to Chapter 16, Article II, applying the following standards and requirements in Chapters 16 and/or 19, in addition to applicable building code, life safety, and fire prevention requirements:

(a) Provisions for parking and vehicular and pedestrian circulation, except in the Downtown Parking District;

(b) Lighting standards;

(c) On-site restrooms for customers of restaurants with inside seating, and restroom availability for all employees;

(d) Water supply and wastewater disposal;

(e) Landscaping in accordance with Section 19-316(H)(3). Other landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use outside its fixed perimeter.

(f) The use of exterior speakers or other audible devices to play music, communicate with customers, or other purposes shall be strictly prohibited.

Container restaurants and food wagons having total floor areas of 350 sq. ft. or more, and/or that are utilized for six months or more are subject to full site plan review and approval pursuant to Chapter 16, Article II.

(2) Food wagons in Buoy and Harbor Parks and at the Middle Pier shall be exempt from Planning Board Review.

(3) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) shall be removed from the site to another location where storage of such containers and wagons is authorized when not in use for two or more consecutive weeks.

(4) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) may not begin service to the public prior to 6:00 AM nor continue service after 9:00 PM, except during events for which the nearest street is closed pursuant to Order of the City Council, in which instances the hours of operation may be extended to the close of the event.

Sponsor: Councilor MacLellan-Ruf  
Originator: Councilor MacLellan-Ruf  
Postponed 05/12/14 to 09/08/14  
Postponed 09/08/14 to 01/12/15

First Reading 04/14/14  
First Publication 04/24/14  
Public Hearing 05/12/14  
Final Passage \_\_\_\_\_  
Final Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

## MEMORANDUM

To: Mayor Larry Pritchett and members of the Rockland City Council

From: Valli Geiger, Chair of Comprehensive Planning Commission

Date: September 1, 2014

Re: Ordinance Amendment #10, Ch. 19, Sec. 19-302 & 19-309 Container Restaurants and Review of Winter Street Design plans

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The Comprehensive Planning Commission met on July 17th and on July 31st.

At our July 17th meeting, the Comprehensive Planning Commission voted unanimously to endorse Design #2 for the Winter Street redesign as presented by Terry Pinto. During discussion, the design was praised for its allowance for greenways and sidewalks on both sides of the street along with a wide pedestrian walkway on the north side of Winter Street, as identified by colored paving yet also allowing for delivery vans, mail trucks and other commercial vehicles to pull off the roadway for quick stops. It was felt by all the members that Winter Street is a lynch pin street for connecting the downtown node with the waterfront and other development to come in the Tillson Avenue Area Overlay district. With the museum fronting Winter Street, pedestrians now have a strong reason to turn the corner and enter the Tillson overlay district. If wide sidewalks, green trees, and pedestrian scale lighting greet them, there is a reason to walk further on this street.

At our July 31st meeting, Container Restaurant ordinance came up for final debate and vote. This was a very difficult ordinance for the Commission to take a position on. But in the end we came to a unanimous vote to reject the ordinance. To many members, it felt like spot zoning and the risk long term and unexpected consequences of allowing containers on private property, exempt from all standards seemed unwise and one more weakening of the Tillson Overlay standards. On the other hand, members thought the container restaurant concept, if clustered together could provide a playful concept along the water front and allow for inexpensive food options for families of residents and visitors alike.

**MOTION: Thomas Keedy moved to allow the Container Restaurant experiment only in Buoy Park, Middle Pier and the Municipal Fish Pier property. Eileen Wilkinson seconded. VOTE: 5-0-0.**

The discussion then turned to the number of units that should be allowed. One to three spaces at Buoy Park were agreed upon. Members then gave ideas about what amenities should be provided along with what standards and conditions should be included. A list of ideas was compiled.

Members felt strongly that all permits for food wagons, container restaurants and other mobile structures on city waterfront property should add to the waterfront experience. They should be neat, attractive and be contained within their allotted spaces without spilling over onto additional city property. These facilities should pay fees to the city and in return the city should provide attractive seating in the park for patrons of the food wagons/containers and others. This seating should include benches, picnic tables, and shade covers such as pergolas. The Commission also suggested that all revenues from these permit holders and festivals should be returned for the continued improvement of city waterfront property. Amenities in the future should include rest rooms.

Thank you for your invitation to consider these issues. Adding affordable food options and comfortable park seating provide another reason to walk from downtown, along Winter Street to Buoy Park and the Middle or City Pier.

**CITY OF ROCKLAND, MAINE**  
**ORDINANCE AMENDMENT #22**  
**IN CITY COUNCIL**

August 11, 2014

**ORDINANCE AMENDMENT** Time Limits on Parking – Tillson Ave

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic and Vehicles, SECTION 17-802, Schedule II, Time Limits on Parking, BE AMENDED AS FOLLOWS:**

**Sec. 17-802 Schedule II. Time Limits on Parking**

1. General Limitation. Parking time limited between 9:00 AM and 6:00 PM on Mondays, Tuesdays, Wednesdays, and Thursdays, and between 9:00 AM and 9:00 PM on Fridays and Saturdays, with the exception of Sundays and public holidays:

**Street**

**Area Affected**

F. Fifteen-Minute Limit

(1) Main

(a) Between Pleasant Street and Rankin Street between the hours of 2:00 A.M. and 6:00 A.M., Sundays and legal holidays excepted. Eff: 12/13/02

(2) Tillson

(a) The three (3) western-most angled parking spaces on the northerly side of Tillson Avenue.

Sponsor: Councilor Isganitis  
Originator: Terry Pinto  
Postponed 09/08/14 to 01/12/15

First Reading \_\_\_\_\_ 08/11/14 \_\_\_\_\_  
First Publication \_\_\_\_\_ 08/21/14 \_\_\_\_\_  
Public Hearing \_\_\_\_\_ 09/08/14 \_\_\_\_\_  
Final Passage \_\_\_\_\_  
Final Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_



**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #36  
IN CITY COUNCIL**

November 10, 2014

**ORDINANCE AMENDMENT** Establishing the Commercial Corridor Overlay Zone

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-301, Zones Authorized, Bounded, and Defined; Rules of Construction, and SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:**

**Sec. 19-301 Zones Authorized, Bounded, And Defined; Rules of Construction**

1. Short Title. This Article shall be known and may be cited as the "Zoning Ordinance"; it shall be, and be cited as, Chapter 19, Article III of the Revised Ordinances of the City of Rockland (1983), and be included as such in the "General Code".

2. Zone Divisions.

In accordance with the laws of the State of Maine and for the purpose of promoting the health, comfort, safety, and general welfare of the community, the City of Rockland is hereby divided into the following classes of zones:

- (1) Residential A Zone
- (2) Residential AA Zone
- (3) Residential B Zone
- (4) Elderly Residential B-1 Zone
- (5) Rural Residential Zone 1 RR1 Zone
- (5A) Rural Residential Zone 2 RR2 Zone
- (6) Transitional Business 1 TB1 Zone
- (7) Transitional Business 2 TB2 Zone
- (8) Transitional Business 3 TB3 Zone
- (8A) Transitional Business 4 TB4 Zone
- (9) Resort RT Zone
- (10) Commercial C1 Zone
- (11) Commercial C2 Zone
- (12) Commercial C3 Zone
- (13) Plaza Commercial PC Zone

- (14) Downtown DT Zone
- (15) Neighborhood Commercial NC Zone
- (16) Business Park BP Zone
- (17) Industrial I Zone
- (18) Woodland & Wildlife G Zone
- (19) Recreation R Zone
- (20) Shoreland Zone
- (21) Chickawaukie Watershed Regulations
- (22) Waterfront Zones (7/11/90)
- (23) Tillson Avenue Area Overlay Zone
- (24) Commercial Corridor Overlay Zone

\* \* \*

**Sec. 19-304 Zone Regulations**

\* \* \*

**24. COMMERCIAL CORRIDOR OVERLAY ZONE (“CCOZ”)**

**A. Purpose.**

The purpose of the Commercial Corridor Overlay Zone is to implement – on parcels abutting the City’s major commercial corridors like Route 1 outside the Downtown – land use principles intended to stem sprawl and encourage aesthetically pleasing, mixed-use development along said corridors. The City Council, in adopting the Commercial Corridor Overlay Zone, finds that enhanced streetscapes, achieved through investments in the public right-of-way and in-fill development on private property, will enhance the economic well-being of the community and the public health, welfare, and safety. Creating safe and accessible streetscapes will draw customers for businesses and occupants for multi-dwelling housing complexes, utilizing varied modes of transportation, and bringing renewed vitality and economic activity to under-utilized areas on the City’s arterials outside the Downtown.

**B. Compatibility With Underlying Zones.**

The requirements and standards set forth in this Commercial Corridor Overlay Zone shall prevail to the extent they conflict with the regulations for zones in which parcels subject to this Overlay Zone are located. Except as provided in this Commercial Corridor Overlay Zone, the regulations for the underlying zone applicable to particular parcels apply to said parcels.

**C. Standards.**

The following space and bulk standards shall apply to all lots and/or parcels of land in the Commercial Corridor Overlay Zone:

<b>COMMERCIAL CORRIDOR OVERLAY ZONE “CCOZ” STANDARDS</b>	
Maximum Building Coverage	85%
Maximum Lot Coverage	85%
Minimum Floor Area Ratio	None
Minimum Front Setback	None; provided, however, that in the event the public right-of-way upon which the parcel fronts cannot fully accommodate an esplanade and sidewalk between the proposed structure or addition and the outer edge of the existing paved roadway or – if the City Council has adopted a master plan for alterations to the right-of-way – the outer edge of the proposed alteration of the paved roadway, then any new structure or addition shall be set back the lesser of ten feet or such distance as may be needed to accommodate such sidewalk and esplanade within the parcel.
Maximum Front Setback	Ten feet; provided, however, that in the event a minimum front setback is imposed under these overlay standards, the maximum front setback shall be measured from the outer edge of the sidewalk and esplanade.
Minimum Landscaped Front Setback for Surface Parking Areas	Forty feet
Minimum Side Setback	Ten feet

Minimum Principal Building Height	Two functional stories
Surface Parking Lots	Areas for surface parking may not be located between a building and a street, except to provide handicap parking.
Parking	Pursuant to Sec. 19-307(8), the parking permit-issuing authority may allow deviations from the parking requirements set forth in Sec. 19-307(6)(E) where the applicant submits a parking management plan acceptable to such authority that incorporates shared parking, provisions for one or more mass transit stops and shelters, short term parking limitations for commercial uses, and/or other parking solutions that reduce the anticipated on-site parking needs for the development.
View Corridors	Buildings shall be so situated so that existing water views from public streets shall be maintained by providing – notwithstanding anything to the contrary in this or the underlying zones – a minimum building side setback of twenty (20) feet; provided, however that the Planning Board may permit the substitution of a view corridor between buildings within a lot for the side setback.

Sponsor: Councilor Isganitis  
Originator: Comprehensive Planning Commission  
Postponed 12/08/14 to 01/12/15 (Prior to Public Hearing)

First Reading: 11/10/14  
First Publication: 11/20/14  
Public Hearing: 12/08/14  
Final Passage: \_\_\_\_\_  
Second Publication: \_\_\_\_\_  
Effective Date: \_\_\_\_\_



**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #36**

**IN CITY COUNCIL**

November 10, 2014

**ORDINANCE AMENDMENT:   Establishing the Commercial  
Corridor Overlay Zone**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-301, Zones Authorized, Bounded, and Defined, and SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:**

**Sec. 19-301 Zones Authorized, Bounded, And Defined; Rules of Construction**

1. Short Title. This Article shall be known and may be cited as the "Zoning Ordinance"; it shall be, and be cited as, Chapter 19, Article III of the Revised Ordinances of the City of Rockland (1983), and be included as such in the "General Code".

2. Zone Divisions.

In accordance with the laws of the State of Maine and for the purpose of promoting the health, comfort, safety, and general welfare of the community, the City of Rockland is hereby divided into the following classes of zones:

- (1) Residential A Zone
- (2) Residential AA Zone
- (3) Residential B Zone
- (4) Elderly Residential B-1 Zone
- (5) Rural Residential Zone 1 RR1 Zone
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- (9) Resort RT Zone

- (10) Commercial C1 Zone
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- (12) Commercial C3 Zone
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- (16) Business Park BP Zone
- (17) Industrial I Zone
- (18) Woodland & Wildlife G Zone
- (19) Recreation R Zone
- (20) Shoreland Zone
- (21) Chickawaukie Watershed Regulations
- (22) Waterfront Zones (7/11/90)
- (23) Tillson Avenue Area Overlay Zone
- (24) Commercial Corridor Overlay Zone

\* \* \*

**Sec. 19-304 Zone Regulations**

\* \* \*

**24. COMMERCIAL CORRIDOR OVERLAY ZONE (“CCOZ”)**

**A. Purpose.**

The purpose of the Commercial Corridor Overlay Zone is to implement – on parcels abutting the City’s major commercial corridors like Route 1 outside the Downtown – land use principles intended to stem sprawl and encourage aesthetically pleasing, mixed-use development along said corridors. The City Council, in adopting the Commercial Corridor Overlay Zone, finds that enhanced streetscapes, achieved through investments in the public right-of-way and in-fill development on private property, will enhance the economic well-being of the community and the public health, welfare, and safety. Creating safe and accessible streetscapes will draw customers for businesses and occupants for multi-dwelling housing complexes, utilizing varied modes of transportation, and bringing renewed vitality and economic activity to under-utilized areas on the City’s arterials outside the Downtown.

**B. Compatibility With Underlying Zones.**

The requirements and standards set forth in this Commercial Corridor Overlay Zone shall

prevail to the extent they conflict with the regulations for zones in which parcels subject to this Overlay Zone are located. Except as provided in this Commercial Corridor Overlay Zone, the regulations for the underlying zone applicable to particular parcels apply to said parcels.

C. Standards.

The following space and bulk standards shall apply to all lots and/or parcels of land in the Commercial Corridor Overlay Zone:

<b>COMMERCIAL CORRIDOR OVERLAY ZONE “CCOZ” STANDARDS</b>	
Maximum Building Coverage	85%
Maximum Lot Coverage	85%
Minimum Floor Area Ratio	None
Minimum Front Setback	None; provided, however, that in the event the public right-of-way upon which the parcel fronts cannot fully accommodate an esplanade and sidewalk between the proposed structure or addition and the outer edge of the existing paved roadway or – if the City Council has adopted a master plan for alterations to the right-of-way – the outer edge of the proposed alteration of the paved roadway, then any new structure or addition shall be set back the lesser of ten feet or such distance as may be needed to accommodate such sidewalk and esplanade within the parcel.
Maximum Front Setback <u>for Primary Structures</u>	<u>Single Primary Structure Developments:</u>  Ten feet  <u>Multiple Primary Structure Developments:</u>  <u>Ten feet for at least one primary structure;</u> <u>other primary structures may be located</u> <u>between the setback-compliant structure</u>

	<p><u>and the rear property line</u>; <del>provided, however, that</del></p> <p>In the event a minimum front setback is imposed under these overlay standards, the maximum front setback shall be measured from the outer edge of the sidewalk and esplanade.</p>
Minimum Landscaped Front Setback for Surface Parking Areas	Forty feet
Minimum Side Setback	Ten feet, <u>except where the parcel abuts a residential zone or a parcel on which the use is solely residential, in which instance the side setback of the underlying zone shall apply.</u>
Minimum Principal Building Height	Two functional stories
Surface Parking Lots	Areas for surface parking may not be located between a building and a street, except to provide handicap parking.
Parking	Pursuant to Sec. 19-307(8), the parking permit-issuing authority may allow deviations from the parking requirements set forth in Sec. 19-307(6)(E) where the applicant submits a parking management plan acceptable to such authority that incorporates shared parking, provisions for one or more mass transit stops and shelters, short term parking limitations for commercial uses, and/or other parking solutions that reduce the anticipated on-site parking needs for the development.
View Corridors	Buildings shall be so situated so that existing water views from public streets shall be maintained by providing – notwithstanding anything to the contrary in this or the underlying zones – a minimum building side setback of

	<p>twenty (20) feet; provided, however that the Planning Board may permit the substitution of a view corridor between buildings within a lot for the side setback.</p>
<p><u>Building Design</u></p>	<p><u>Primary and accessory structures shall employ varying setbacks, heights, roof treatments, doorways, window openings, and/or other structural or decorative elements to reduce apparent size and scale of the structures.</u></p> <p><u>A minimum of twenty (20) percent of the structures' facades that are visible from a public street shall employ actual projections or recesses with a depth of a least six feet. No uninterrupted façade shall extend more than fifty (50) feet.</u></p> <p><u>Rear and side building facades shall be designed to complement the architectural treatment of the primary façade.</u></p>

Sponsor: Mayor Isganitis  
Originator: Comprehensive Planning Commission

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #37  
IN CITY COUNCIL**

November 10, 2014

**ORDINANCE AMENDMENT** Authorizing Zoning Map Amendment

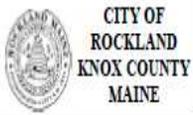
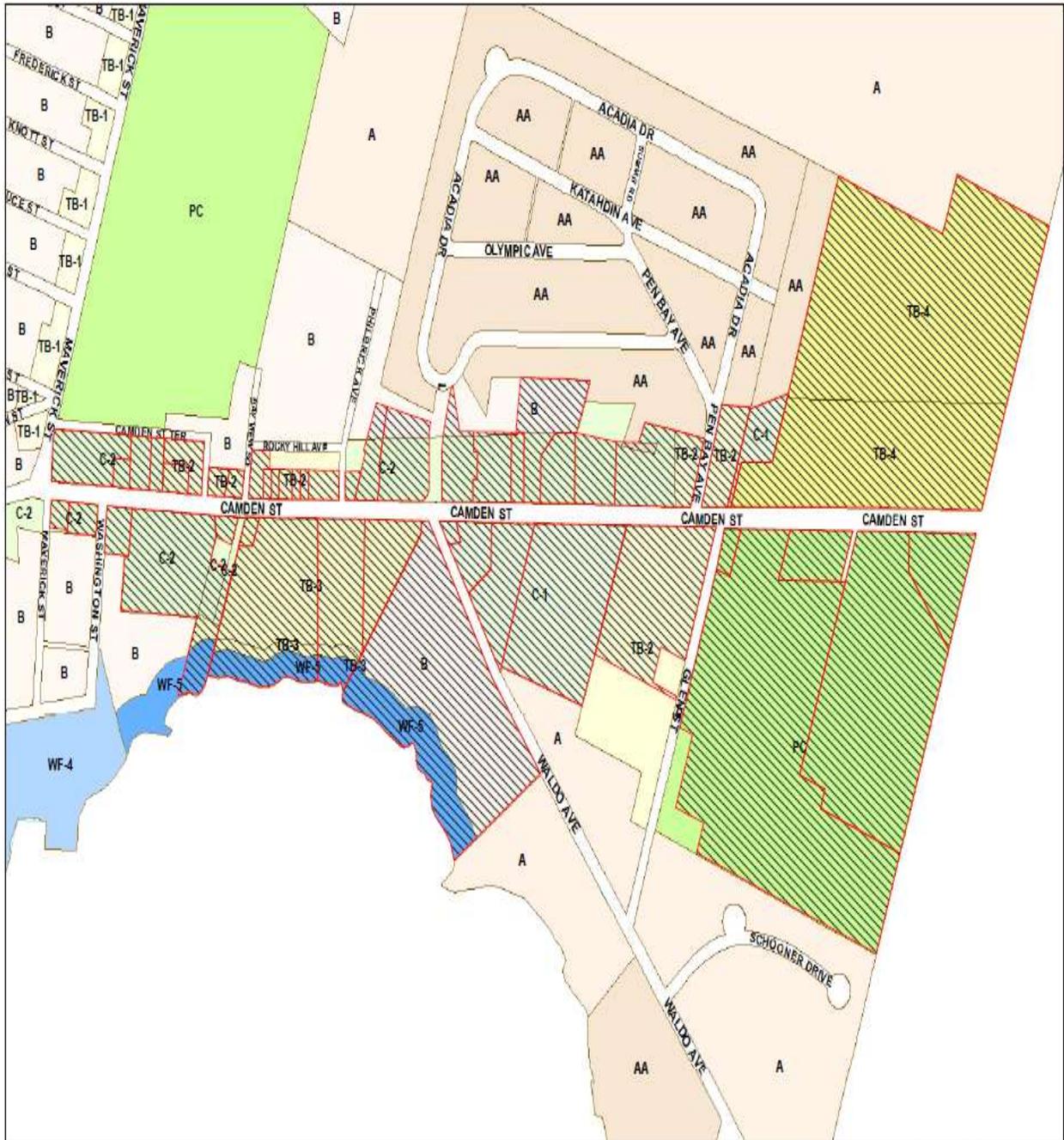
**THE CITY OF ROCKLAND HEREBY ORDAINS THAT THE OFFICIAL ZONING MAP OF THE CITY OF ROCKLAND BE AMENDED AS FOLLOWS:**

**THAT** the Commercial Corridor Overlay Zone, adopted by the City Council pursuant to Ordinance Amendment #36 which became effective on \_\_\_\_\_, shall encompass the area defined by the listed parcels (see attached list of parcels and map).

Sponsor: Councilor Isganitis  
Originator: Comprehensive Planning Commission  
Postponed 12/08/14 to 01/12/15 (Prior to Public Hearing)

First Reading: 11/10/14  
First Publication: 11/20/14  
Public Hearing: 12/08/14  
Final Passage: \_\_\_\_\_  
Second Publication: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

Tax Map #	Street Address
29C3	131 CAMDEN STREET
35A8	270 CAMDEN STREET
36A5	200 CAMDEN STREET
36A2	9 BELYEA AVENUE
28C10	104 CAMDEN STREET
28C9	106 CAMDEN STREET
28C8	108 CAMDEN STREET
15B1	65 CAMDEN STREET
15B15	59 CAMDEN STREET
15A4	73 CAMDEN STREET
15A1	91 CAMDEN STREET
28D9	99 CAMDEN STREET
28D2	107 CAMDEN STREET
28D3	103 CAMDEN STREET
29C3-1	137 CAMDEN STREET
29C1	1 WALDO AVENUE
34A3	245 CAMDEN STREET
34A1	265 CAMDEN STREET
34A1-2	273 CAMDEN STREET
34A7	3 GLEN STREET
36B1	201 CAMDEN STREET
36B3	179 CAMDEN STREET
29B2	145 CAMDEN STREET
29B3	143 CAMDEN STREET
29B1	169 CAMDEN STREET
36A8	190 CAMDEN STREET
36A3	220 CAMDEN STREET
29A2	172 CAMDEN STREET
28C7	110 CAMDEN STREET
28C4	116 CAMDEN STREET
28C3	118 CAMDEN STREET
28C2	124 CAMDEN STREET
28A6	130 CAMDEN STREET
29A1	182 CAMDEN STREET
29A3	170 CAMDEN STREET
29A10	136 CAMDEN STREET
29A11	132 CAMDEN STREET
27A7	96 CAMDEN STREET
27A6	98A CAMDEN STREET
27B6	60 CAMDEN STREET
27B5	74 CAMDEN STREET
27B4	80 CAMDEN STREET
27B3	82 CAMDEN STREET
27B2	88 CAMDEN STREET
27B1	92 CAMDEN STREET
34A2	235 CAMDEN STREET
29A4-2	168 CAMDEN STREET
29A4	166 CAMDEN STREET



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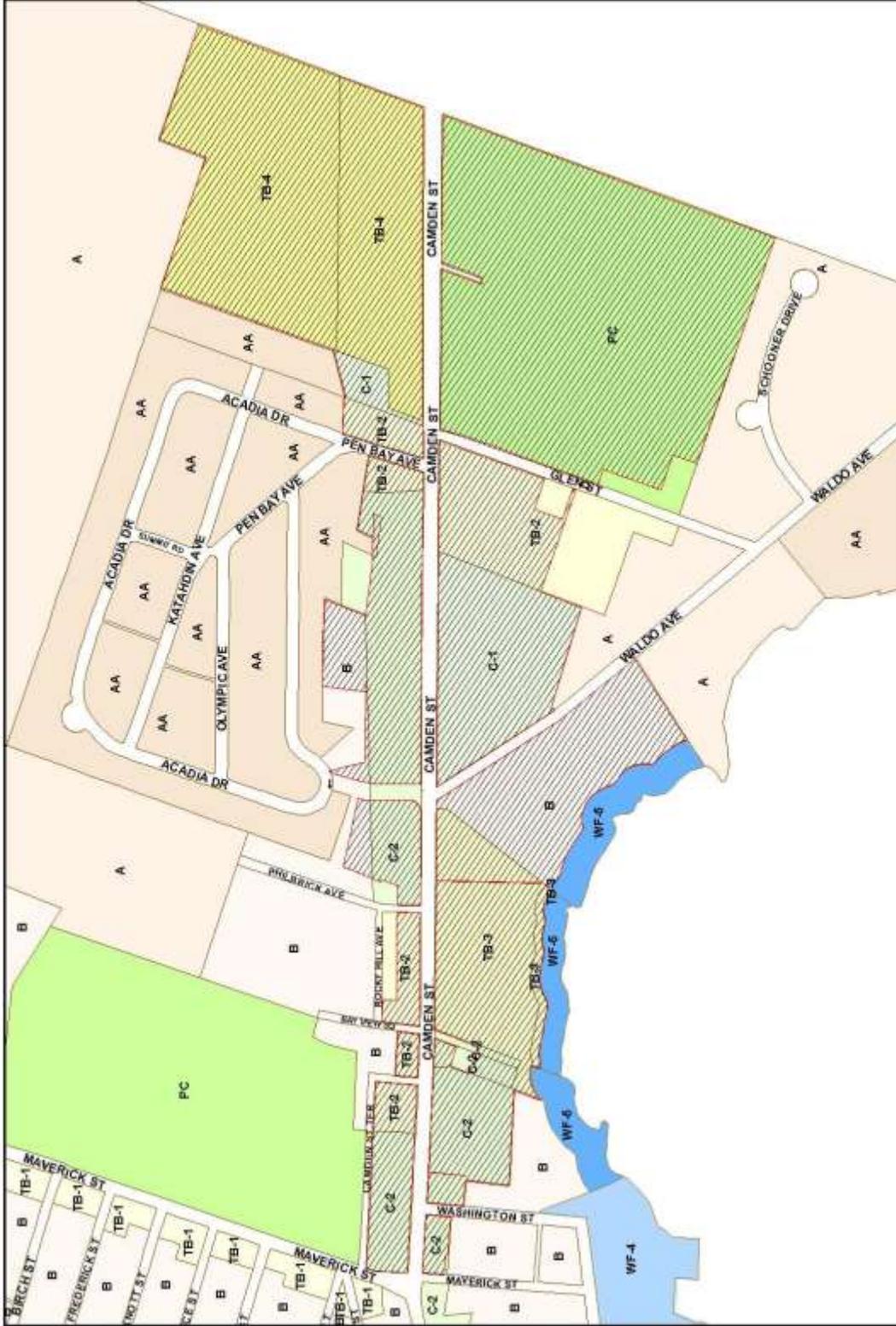


**DISCLAIMER**

Tax maps are compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for assessment purposes only, and not for conveyance.

PROPOSED AMENDMENT TO ORDINANCE AMENDMENT #37

Tax Map #	Street Address	
29C3	131 CAMDEN STREET	<u>except for that portion of the property zoned Waterfront "WF-5"</u>
35A8	270 CAMDEN STREET	
36A5	200 CAMDEN STREET	
36A2	9 BELYEA AVENUE	
28C10	104 CAMDEN STREET	
28C9	106 CAMDEN STREET	
28C8	108 CAMDEN STREET	
15B1	65 CAMDEN STREET	
15B15	59 CAMDEN STREET	
15A4	73 CAMDEN STREET	
15A1	91 CAMDEN STREET	
28D9	99 CAMDEN STREET	
28D2	107 CAMDEN STREET	<u>except for that portion of the property zoned Waterfront "WF-5"</u>
28D3	103 CAMDEN STREET	
29C3-1	137 CAMDEN STREET	
29C1	1 WALDO AVENUE	
34A3	245 CAMDEN STREET	
34A1	265 CAMDEN STREET	
34A1-2	273 CAMDEN STREET	
34A7	3 GLEN STREET	
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29B1	169 CAMDEN STREET	
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29A2	172 CAMDEN STREET	
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28C4	116 CAMDEN STREET	
28C3	118 CAMDEN STREET	
28C2	124 CAMDEN STREET	
28A6	130 CAMDEN STREET	
29A1	182 CAMDEN STREET	
29A3	170 CAMDEN STREET	
29A10	136 CAMDEN STREET	
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27B4	80 CAMDEN STREET	
27B3	82 CAMDEN STREET	
27B2	88 CAMDEN STREET	
27B1	92 CAMDEN STREET	
34A2	235 CAMDEN STREET	
29A4-2	168 CAMDEN STREET	
29A4	166 CAMDEN STREET	



**DISCLAIMER**  
 The maps are compiled from aerial photography, existing surveys, deeds, and taxonomer's descriptions. They are to be used for assessment purposes only, and not for conveyance.



Printed: 10/24/2014  
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**CITY OF  
 ROCKLAND  
 KNOX COUNTY  
 MAINE**

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #40**

**IN CITY COUNCIL**

December 8, 2014

**ORDINANCE AMENDMENT:** Scope of Review of the Zoning Board of Appeals

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE II, Board of Appeals, SECTION 19-202, Powers and Duties; Conduct of Appeals; and ARTICLE III, Zone Regulations, SECTION 19-304(20), Shoreland Zone Ordinance; and CHAPTER 14, ARTICLE IV, SECTION 14-423, Board of Sewer Appeals, BE AMENDED AS FOLLOWS:**

**Sec. 19-202 Powers and Duties; Conduct of Appeals; Variances**

The Zoning Board of Appeals shall have the following powers and duties exercised by vote of not less than a majority of its full membership, after public notice and hearing:

**1. Administrative Appeals.** To hear and decide appeals arising from a zoning determination or interpretation of a zoning regulation, the issuance or failure to issue a permit by the Code Enforcement Officer or his authorized agent, the issuance of a notice of violation under Ch. 4 and/or 7, a determination regarding the application of the Floodplain Management Ordinance under Ch. 19, Art. VI, the denial, suspension, or revocation of a solid waste license by the City Council pursuant to Ch. 14, Art. I, Sec. 14-112(7), a decision of the Water Pollution Control Facility Director or a Local Plumbing Inspector pursuant to Ch. 14, Art. IV, Sec. 14-423, or other appeal authorized by law or ordinance and assigned to the jurisdiction of the Zoning Board of Appeals.

**A. Standing For Appeals Under Chapters 4, 7, or 19.** Any person having a potential particularized injury as a result of, and any owner or lessee of abutting property or of parcels located entirely or partially within 300 feet of property that is the subject of any decision, action, or inaction of the Code Enforcement Officer or other authorized official under Chapter 4, 7, or 19, has standing to appeal such decision, action, or failure to act to the Zoning Board of Appeals.

**B. Appeal Procedure.** Except when a person having standing to appeal demonstrates good cause, an appeal must be filed with the Code Enforcement Office within thirty (30) days of the decision that is the subject of the appeal. The person taking the appeal shall file with the Code Enforcement Office a notice of appeal on a form provided for that purpose by the Code Enforcement Office, and pay to the City the administrative appeal fee as prescribed by Order of the City Council, which fee is calculated to cover the various costs to the City including, but not limited to, publishing notice of hearing, notifying land owners, and reviewing the appeal. The Code Enforcement Officer shall forthwith transmit to the Board a copy of the notice of appeal. The Zoning Board of Appeals shall hear such appeal within ninety (90) days ~~six months~~, which

deadline may be extended by the Chair upon the agreement of the parties. A failure by the Board to decide the appeal within six months of the date of a completed notice of appeal shall be deemed a denial of the appeal. The Chair may require that the parties submit a narrative summary, a list of witnesses to be called at the hearing, and copies of exhibits to be submitted to the Board for its consideration; and, at least one (1) week prior to the hearing, shall give public notice of such hearing by publication in at least one (1) issue of a newspaper of general circulation in the City, and, with respect to appeals brought pursuant Chapter 4, 7, or 19, by mailing notification to land owners within 300 feet of the subject property. The appellant and applicant may appear in person, or by attorney or other agent.

**C. Standard of Review; Burden of Proof.** When acting in this appellate capacity, the Zoning Board of Appeals shall review the matter *de novo*. That is, the Board shall hold a hearing at which it may receive and consider all relevant evidence, either written or oral. The party that filed the appeal shall have the burden of proof as to all matters in the appeal.

**D. Decisions.** Upon the conclusion of the hearing, the Zoning Board of Appeals shall vote to affirm, modify, or reverse the decision that is the subject of the appeal. The decision of the Board shall not be final until the earlier of (1) the approval of a written notice of decision by the Board at a public meeting, which decision shall whenever feasible include findings of fact and conclusions of law, shall be signed by the Chair, and shall be served on the parties, or (2) the passage of six months following the date of the completed notice of appeal.

**2. Variances.** To hear and decide applications for variances when the Code Enforcement Officer shall have denied an application for a building permit or otherwise determined that a dimensional requirement in the applicable zoning regulations precludes a proposed development or an element thereof.

**A. Standard of Review; Burden of Proof.** A variance from a dimensional requirement or limitation imposed in Chapter 19, Section 19-304 may be granted by the Board only where strict application of the Article, or a provision thereof, to the petitioner and his property would cause undue hardship. A variance may not be granted to permit a use not permitted or conditionally permissible under Section 19-304. The phrase “undue hardship” as used in this subsection shall mean:

- (1) That the land in question cannot yield a reasonable return unless a variance is granted;
- (2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (3) That the granting of a variance will not alter the essential character of the locality;  
and
- (4) That the hardship is not the result of action taken by the applicant or a prior owner.

**B. Procedure.** The person requesting a variance shall file with the Code Enforcement Office a Variance Application on a form provided for that purpose by the Code Enforcement Office, and pay to the City the variance application fee as prescribed by Order of the City Council, which fee is calculated to cover the various costs to the City including, but not limited

to, publishing notice of hearing, notifying land owners, and reviewing the variance application. A detailed and scaled site plan showing the shape and dimensions of the lot, the dimensions and location of existing and proposed buildings and additions, any natural or topographic peculiarities of the lot, the location of any water body adjacent to the property, and the distances to the nearest principal and accessory structures on abutting properties must be included with the variance application. The Code Enforcement Officer shall determine when a variance application is complete, and forthwith transmit to the Board a copy of the completed application. Though determined to be complete by the Code Enforcement Officer, the Chair may request additional information relating to the application. The Zoning Board of Appeals shall hear and grant, grant with conditions, or deny the application within ninety (90) days of the date of the completed application, which deadline may be extended by the Chair upon the agreement of the parties. A failure by the Board to issue a decision on the application within six months of the date of the completed application shall be deemed a denial of the application. The Board, at least one (1) week prior to the hearing, shall give public notice of such hearing by publication in at least one (1) issue of a newspaper of general circulation in the City, and by mailing notification to land owners within 300 feet of the subject property. The applicant may appear in person, or by attorney or other agent. The decision of the Board of Appeals shall be in writing, and shall be effective as of the earlier of the date of such written notice of decision or the date the decision is announced by the Board Chair at a meeting of which the applicant was provided notice. The written notice of decision shall include, as conditions, the time limitations set forth in Subsection 19-202(2)(F).

**C. Floodplain Variances.** Variances from requirements of the Floodplain Management Ordinance of the City of Rockland, Maine shall be subject to procedures set forth in Article VI of that Ordinance.

**D. Disability Variances.** The Board also may hear, grant, grant with conditions, or deny applications for disability variances pursuant to 30-A M.R.S. § 43534-A).

**E. Evidence of Recordation.** If granted, the approved variance shall be set forth in a certificate that shall be recorded by the applicant on the Knox County Registry of Deeds within ninety (90) days. The Code Enforcement Officer may not issue a building permit for work authorized by a variance until and unless he is provided with evidence of its recordation.

**F. Commencement, Completion of the Work.** The work authorized by the variance shall be commenced within six (6) months and shall be substantially completed within one (1) year of the date on which the variance is effective, unless the Board grants an extension of either period. The variance shall provide by its terms that rights thereunder will cease unless work is thus commenced and substantially completed.

**3. Administration.** To make the following determinations and grant the following permits:

Determine precise zone boundary lines to the extent authorized by Section 19-301(4).

**4. Appeals to Superior Court.** Pursuant to Title 30-A, Maine Revised Statutes, Section

2691(3)(G) and Maine Rule of Civil Procedure 80B, any party who participated in a proceeding before the Zoning Board of Appeals and who has a particularized injury may appeal the decision of the Board to Superior Court within 45 days of the date of the vote on the original decision.

\* \* \*

**ARTICLE III Zone Regulations**

**Sec. 19-304(20) Shoreland Zone Ordinance**

\* \* \*

**16. Administration.**

\* \* \*

**H. Appeals**

Any appeal of a decision of the Code Enforcement Officer under Section 19-304(20), or a variance request, shall be heard by the Zoning Board of Appeals pursuant to Chapter 19, Article II, Section 19-202. A decision of the Planning Board regarding the application of the Shoreland Ordinance to an application for approval of a subdivision or site plan may be appealed under Ch. 16, Art. I, § 16-109 or Art. II, § 16-26, respectively, to the Knox County Superior Court, pursuant to Maine Rule of Civil Procedure 80B. A

\* \* \*

**ARTICLE VI Floodplain Management**

\* \* \*

**ARTICLE X - APPEALS AND VARIANCES**

The Board of Appeals of the City of Rockland may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer in the administration of the provisions of this Ordinance. Such appeals shall be conducted and heard in accordance with the procedures set forth in Ch. 19, Art. II, Sec. 19-202(1) – Administrative Appeals. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law, applying the procedure and requirements set forth in Ch. 19, Art. II, Sec. 19-202(2) – Variances, and satisfying the following criteria:

\* \* \*

**CHAPTER 14 Sewers, Drains and Solid Waste**

**ARTICLE IV Use of Public and Private Sewers and Drains**

**Sec. 14-423 Board of Sewer Appeals**

\* \* \*

#### 4. Appeal Procedure.

A. *Appealable Decisions.* Any user and any municipal department aggrieved by the decision of the Director, or the Local Plumbing Inspector, which decisions arise from provisions of Article IV may appeal such decision to the Board of Sewer Appeals.

B. *Appeal Deadline.* Within thirty (30) days of the date of the decision of the Director or Local Plumbing Inspector, the appeal shall be entered at the Code Enforcement Office upon forms to be approved by the Board of Appeals. The appellant shall set forth in the form the grounds of his appeal and shall refer to the specific provisions of Article IV involved.

Following the receipt of any appeal, the Code Enforcement Officer shall notify forthwith the officer concerned and the Chairperson of the Board of Sewer Appeals. The appellant shall pay to the Code Enforcement Office a fee as established by Order of the Rockland City Council.

C. *Appeal to Superior Court.* An aggrieved user may appeal from the decision of the Board of Sewer Appeals to the Superior Court as provided by the laws of the State of Maine.

Sponsor: Councilor MacLellan-Ruf  
Originator: Zoning Board of Appeals

First Reading 12/08/14  
First Publication 12/18/14  
Public Hearing 01/12/15  
Final Passage \_\_\_\_\_  
Final Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #29  
IN CITY COUNCIL**

September 8, 2014

**ORDINANCE AMENDMENT** Dogs Prohibited in Certain City Parks

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 3, Animal and Fowl, SECTION 3-203 Dogs Shall Be Under Restraint While on Any Public Way or Place, BE AMENDED AS FOLLOWS:**

**Sec. 3-203 Dogs Shall Be Under Restraint While on Any Public Way or Place**

3. Prohibited in Certain City Parks. Dogs shall be prohibited from the following City parks from May 1 through ~~October 1~~ November 1 of each year, except for any areas that may specifically be designated as “dog parks” by order of the City Council:

- a. Johnson Memorial Park, except for the area of the boat-launch ramp and dock
- b. Sandy Beach
- c. Merritt Park Playground
- d. Ocean Street Playground
- e. Warren Street Playground
- f. Jaycee Park and Kenniston Field

Sponsor: Councilor Hebert  
Originator: City Manager  
Postponed 09/08/14 to 01/12/15

**MEMORANDUM**

To: City Council  
Cc: Acting City Manager  
Public Works Director  
Code Enforcement Officer  
From: City Attorney  
Date: 12/31/14  
Re: Ordinance Amendments 1 – 4  
*Street Opening Permit Process*

\*\*\*\*\*

Councilors:

On your agenda for first reading are four ordinance amendments – Nos. 1 – 4 – that, together, are intended to improve the City’s street opening permitting process, and to improve the reconstruction of streets once opened by private parties.

James Smith and former Mayor Pritchett launched this effort, and it has taken that much time to prepare, including successive drafts, department head meetings and reviews, and revisions. Tom, Terry Pinto, John Root, David Kalloch, and Greg Blackwell all participated and helped.

Our charge, generally, was to require a performance guarantee of contractors excavating in the right-of-way, with a goal of improved adherence to applicable standards, enforcement, and repair of defective openings. At the same time, we sought better integration with the sewer connection permit process; and clarification and uniformity as to applicable compaction and resurfacing standards, etc. Finally, with the initiation of the sanitary and storm sewer inspection and maintenance program under Terry’s supervision, it is time to update the codified description of Public Works’ role viz. the collection system.

The following is a summary, in outline form, of the substantive proposed amendments:

Ordinance Amendment #1:

Chapter 2, Article XIV:

- Sec. 2-1402 update description of the duties of DPW and its Director; improve structure and language of the Article where appropriate;
- removes responsibility for planning changes to City property and infrastructure;
- requires the Director to consult with the Water Pollution Control Facility Director viz. the construction, maintenance, repair, and replacement of sanitary, combined, and storm sewers;
- requires the Director annually to prepare a capital improvement program;
- requires preparation of a Technical Standards Manual for adoption by the City Manager, and adherence by the Department and public when operating in / connecting to public facilities;

requires the Director to assure compliance by the Department and the public with the adopted Technical Standards;

requires the Director to collect, maintain, and update records and surveys of streets, public infrastructure, etc.;

Ordinance Amendment #2:

Chapter 14, Article III:

deletes redundant and long-inaccurate prohibition on street openings absent City Council approval;

Ordinance Amendment #3

Chapter 15, Article I:

- Sec. 15-101: revises the purpose statement to emphasize the responsibility of municipal government to assure the public's safe and unhindered use of and passage over streets;
- Sec. 15-102: adds definitions for "person" and "emergency;" corrects and broadens the definitions of "public place" and "street;" and clarifies the existing provision incorporating definitions from other Chapters of the Rockland Code;
- Sec. 15-118: deletes prohibition of excavations near and affecting streets and public places, which will be addressed in new Article IV;
- Sec. 15-132:  
& 15-133: deletes prohibition of openings for coal holes, receptacles for light and air, cellar doors, and culverts – *all* street openings will be covered by new Article IV;

Chapter 15, New Article IV:

deletes and replaces Article IV – Street Construction and Excavation

- Sec. 15-401: adds a purpose statement;
- Sec. 15-402: adds definitions unique to Article IV for "contractor," "excavation," "installation," "permittee," "sidewalk," and "utilities in good standing" (other definitions in Sec. 15-102 also apply in Article IV);
- Sec. 15-403: assigns responsibility for administering the street opening permit process (the Code Office will still receive the applications and distribute them for review); makes both the owner of property benefitted by a street opening and the owner's contractor, if any, jointly and severally liable for compliance with the City's street opening requirements and standards;
- Sec. 15-404: incorporates the requirements in state statute that DPW give abutters notice of proposed paving, requiring that they make or upgrade utility connections in the street within 60 days; reiterates the state law moratorium on street openings for 5 years after repaving, except for emergencies; states exceptions to the 5-year moratorium, including utilization of trenchless construction techniques;

- Sec. 15-405: clarifies the street opening permit process, when a permit is required, and exceptions; enhances its requirements; adds the requirement that applications be accompanied not only by certificate of insurance, but also by a performance guarantee, which is detailed under Section 15-406 (except for utilities in good standing); mandates minimum requirements for the permit application; establishes a 5 working day deadline for the City to grant, grant with conditions, or deny street opening permits; ties the requisite permit fee to the cost of administering the permit process and states waivers and deductions; limits the validity of permits to 30 days; narrows the winter moratorium to conform with recent experiences viz. weather conditions, paving plant availability, etc.; authorizes emergency street openings and provides for after-the-fact permitting; clarifies that the City does not require a permit if the work is performed under a DPW work order;
- Sec. 15-406: mandates what is now a discretionary performance guarantee (the Public Works Director has never required the submittal of a letter of credit or other guarantee), and states exceptions to the requirement, including work under City contract, waiver due to financial exigency; establishes the amount of the performance guarantee (\$25,000 / year for licensed excavators; or 2 x project estimate; authorizes the City to perform corrective repairs to protect streets, at violators' expense;
- Sec. 15-407: establishes requirements for conducting street openings, preservation of utility facilities, and blasting; limits construction to night work on arterials between June 1 and September 30, except in emergencies; requires preservation of boundary monuments, manholes; repeats requirement for a separate permit from WPCF to connect to a sewer; requires prompt completion of the work and restoration of the street; requires as-built drawings; clarifies that those opening a street without a permit are nonetheless subject to applicable standards and City remedies;
- Sec. 15-408: requires safety measures for crossings, barriers, warning devices, and temporary street closure, etc.;
- Sec. 15-409: establishes excavation standards viz. City infrastructure, pavement cuts, size of trenches, handling of excavated material, backfilling, compaction, and resurfacing; mandates inspections;
- Sec. 15-410: establishes special conditions for multiple trenches, on-site inspectors, repair of failed trenches;
- Sec. 15-412: identifies when a violation occurs; establishes system for DPW notice to violators, corrective action, self-help by the City, and fines; limits issuance of further permits to violators;
- Sec. 15-413: asks utilities to submit annual work plans for the construction season;

Ordinance Amendment #4:

Chapter 19, Article III:

- Sec. 19-307: makes curb and sidewalk construction for private developments subject to the Technical Standards Manual that is to be assembled by DPW; requires a street opening permit for installation of driveway culverts; authorizes the City to subject driveway construction to the street opening permit process where it is determined the driveway construction may affect the stability of any sidewalk or paved road.

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #1**

**IN CITY COUNCIL**

January 12, 2015

**ORDINANCE AMENDMENT:** Updating The Duties Of The  
Department of Public Works

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration,  
ARTICLE XIV, Department of Public Works, BE AMENDED AS FOLLOWS:**

**CHAPTER 2 ADMINISTRATION**

**ARTICLE XIV Department of Public Works**

**Sec. 2-1401 Establishment**

There shall be a Department of Public Works, the head of which shall be the Public Works Director who shall be, or be appointed by, the City Manager.

**Sec. 2-1402 Duties**

The Director of Public Works shall, subject to and in consultation with the City Manager, be responsible for:

1. City Property. The construction, maintenance, and operation of the City's infrastructure, including streets, sidewalks, sanitary and storm sewers, parking areas, parks, and public landings, except as otherwise provided by the City charter, other ordinances, or instructions by the City Manager.

2. Department Resources. The direction and management of Department of Public Works employees, and the care and maintenance of all real and personal property occupied or used by the Department.

3. Enforcement on City Property. Seeing that no encroachments are made upon any street, public landing, place, square, land or ground of the City, by fences, buildings or otherwise, and whenever any encroachments shall hereafter be made upon the same, and the party making such encroachment shall neglect or refuse after notification to remove the same, to report the facts at once to the Police Chief and cooperate to the end that the person so offending shall be prosecuted and the nuisance abated.

**Cross Reference:** Chapter 15, Article IV.

4. Contracts. In consultation with the City Attorney, prepare or cause to be prepared all contracts and specifications that may be required for public works.

5. Sewer Construction. In consultation with the Water Pollution Control Director, perform or cause to be performed the construction, maintenance, repair, and replacement of the public sanitary, storm, and combined sewer systems, and all appurtenances thereto, including the enforcement of all ordinances, rules and regulations relative thereto, keeping an accurate record of the location and the expense of constructing and completing each public drain or common sewer hereafter built, and, after the same is completed, furnishing to the City Assessor a detailed statement of such expense and all necessary information to enable the City Assessor to make an assessment upon the lots or parcels of land benefited by such public drain or common sewer.

**State Law Reference:** 30-A M.R.S. §§ 3401-3407.

**Cross Reference:** Chapter 14, Article IV, Article V.

6. Property Schedule. Annually preparing and submitting a capital improvement program, surveying the condition, useful life, and repair or replacement of the equipment, machinery, tools and other City property in the Director's charge.

7. Maintenance. The operation and maintenance of all streets, sidewalks, and other public lands, grounds and buildings; street cleaning; and snow removal, except as may otherwise directed by the City Manager.

8. Technical Standards. Preparing and keeping current a manual of standards and specifications governing the construction, reconstruction, repair, backfilling, compaction, paving, and repaving, as applicable, of City streets, sidewalks, culverts, sewers, and other infrastructure. Such Technical Standards Manual may also include sewer construction specifications provided or identified by the Water Pollution Control Director. The Public Works Director shall submit the Technical Standards Manual, and supplements and amendments thereof, to the City Manager for review and adoption as an Administrative Policy of the City. The Director shall cause copies of the adopted Technical Standards Manual to be made available to the public at the Department of Public Works, Water Pollution Control Facility, and Code Enforcement Office, and on the City's website. The Director shall assure adherence with the Technical Standards Manual by the Department and by the public.

9. Plans; Public Records. Collect, maintain, and update all plans, estimates, profiles, records and surveys of street bounds, streets, sidewalks, sewers, and other public infrastructure.

Sponsor:

Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #2**

**IN CITY COUNCIL**

January 12, 2015

**ORDINANCE AMENDMENT:** Eliminating Redundant Text Viz.  
Street Opening Permits

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 14, Sewers, Drains and Solid Waste, ARTICLE III, Sewers; Construction and Assessment, BE AMENDED AS FOLLOWS:**

Sponsor:

Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #3**

**IN CITY COUNCIL**

January 12, 2015

**ORDINANCE AMENDMENT:** Strengthening Street Opening Permit Requirements and Enforcement

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 15, Streets, ARTICLE I, Use of Streets, and ARTICLE IV, Street Construction And Excavations, BE AMENDED AS FOLLOWS:**

**CHAPTER 15 STREETS  
ARTICLE I Use of Streets**

**Sec. 15-101 Statement of Purpose**

The provisions in this Chapter are intended to assure the public's safe and unhindered use of and passage through the City's streets, and to preserve the same from unauthorized encroachment, or damage or destruction. The following sections are enacted to preserve the individual rights of citizens in the use of streets, to protect them in their public use and enjoyment thereof, and to preserve public ownership and public use of streets without private encroachments, not only for citizens of today but also for posterity.

**Sec. 15-102 Definitions**

For the purposes of this Chapter, certain words and phrases shall have the following meanings.

1. Emergency. "Emergency" shall mean any event which may threaten public health or safety including, without limitation, damaged or leaking water or gas conduit systems; damaged, plugged, or leaking sanitary or storm sewers; damaged underground electrical or communications facilities; or downed or seriously damaged utility poles.

2. Person. The term "person" shall refer to, in addition to any human being, any corporation, limited liability company, sole proprietorship, partnership, trust, association, organization, or other entity or combination of human beings other than the State of Maine or the City of Rockland or any department, division, or agency of the same.

32. Public Place. "Public Place," as used in this Chapter, shall include any State- or City-owned or controlled parking area, park, recreational area, playground, or public landing, including

~~those parks established in Chapter 13, Article I. Articles I and II shall be understood as including City of Rockland owned or controlled parking lots, recreational areas, playgrounds, the Public Landing, and parks: Ulmer Park, Gay Park, Merritt Park, Walter Butler Square, Sandy Park, General Berry Square and Schofield White Park.~~

~~44. Street. The words "street" or "streets" as used in this ChapterArticles I and II shall mean the entire right-of-way of anybe understood as including highways, road, ways, avenues, courts, lanes, alleys, sidewalk, bridge, parks, squares, other Public Pplaces, and any non-public property owned or controlled by the City sidewalks and bridges.~~

~~5. Undefined Words and Phrases. Words and phrases not herein defined shall have the meaning assigned to them in Chapters 17 or 19, as may be applicable or, in the absence of such definitions, their common and ordinary meanings. The definitions of words and phrases as contained in Chapter 17 are hereby made applicable to this and to every other ordinance of this City.~~

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#### ~~Sec. 15-118 Excavation Near Street~~

~~———— No person shall make any excavation near any street or public place in this City, so as to endanger any portion thereof, without first having obtained a permit from the Director of Public Works. Any person violating this Section shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.~~

~~State Law Reference: 23 M.R.S. §§ 3351-3360 A.~~

~~Cross Reference: Ch. 15, Art. IV.~~

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#### ~~Sec. 15-132 Openings in Street or Sidewalk; Construction~~

~~———— No person shall make or cause to be made an aperture in or under any street or sidewalk for the purpose of constructing coal holes or receptacles for any other articles, or for light or air, or for any other purpose, with first obtaining a permit therefore from the City Clerk bearing the approval of the City Manager, and no person shall leave such coal hole or other aperture open or unsafe, except while actually in use and then only when properly protected against endangering passers by. A five hundred dollars (\$500) bond shall be required for such a permit, conditioned as required in Chapter 11, for all such openings hereafter made.~~

~~State Law Reference: 23 MRSA §§ 3351-3360 A.~~

~~Cross Reference: Chapter 15, Article IV.~~

#### ~~Sec. 15-133 Openings in Street or Sidewalk~~

~~1. Cellar Doors. When a cellar door, vault, coal hole, or other structure or aperture is maintained in, upon or under any street, sidewalk, or public place, the occupants or owners of the estate of which such cellar door, vault, coal hole or other structure or aperture belongs, shall keep the same in good repair; and if at any time such cellar door, vault, coal hole or other structure or aperture is out of repair or if, in the opinion of the Director of Public Works, public safety is thereby endangered, he shall notify the owners or occupants of the fact, and if they neglect or~~

~~refuse for the period of twenty four (24) hours to repair such cellar door, vault, coal hole or other structure or aperture, the Director shall forthwith cause such repairs to be made at the expense of such owners or occupants, which expense may be collected from them in an action of debt, for the use of the City, and they shall be liable to a further penalty of not exceeding twenty dollars (\$20) for each twenty four (24) hours that such cellar door, vault, coal hole or other structure or aperture continues to be out of repair after notice from the said Director, as aforesaid. Every person who hereafter maintains a cellar door, vault, coal hole or other structure or aperture in or under any street or public place, shall do so only by continuing in full force and effect the permit bond required in the previous section, conditioned that such maintenance shall bind him to keep the same and the covers thereof in good condition and repair at all times during his ownership or control of the same, and to indemnify and save harmless the City against all damages caused and expenses incurred in consequence of the same being out of repair or left open.~~

~~2. Culverts. Whenever it is deemed necessary by an abutter on an improved City street that a culvert be installed to provide an entrance to his property, he shall petition the City for such an installation and the City may install the same, provided that the abutter, at his own expense, furnish a culvert satisfactory to the City. Such culvert shall thereafter be maintained by the City.~~

~~3. Penalty. Whoever violates any of the provisions of this Section or the rules and regulations made under the authority thereof shall be punished by a fine of not more than five hundred dollars (\$500).~~

~~State Law Reference: 23 MRSA §§ 704, 3151-3255, 3351-3360-A.~~

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**DELETE ARTICLE IV, AND REPLACE WITH:**

**ARTICLE IV Street Construction and Excavations**

**Sec. 15-401 Street Excavations - Statement of Policy**

The City of Rockland requires compliance with the provisions of Article IV of this Chapter in order to minimize, to the extent possible, the safety and road maintenance problems that have been associated with excavations and paving operations in the past. The protection of the City's streets and sidewalks and infrastructure on and under the streets in the City is vital for assuring safe and passable ways, protecting the public health, safety, and welfare, and for fostering economic activity and development. To that end, it is the policy of the City to require all repair and excavation work performed on City streets and sidewalks to be done promptly, with due regard to the safety of the public, and in a skillful and workmanlike manner.

**Sec. 15-402 Definitions**

For the purposes of this Article, certain words and phrases shall have the following meanings. Words and phrases not defined herein or elsewhere in Chapter 15 shall have their

common and ordinary meanings.

1. Contractor. “Contractor” shall mean a person or entity retained to conduct the excavation(s) and other work authorized by a street opening permit and/or otherwise required under this Article or applicable law.

2. Excavation. “Excavation” shall mean any operation in which earth, rock, or other material below the surface is moved or otherwise displaced, by hand or by means of power tools, power equipment, or explosives, and including grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, and cable or pipe driving, except tilling of soil and gardening or displacement of earth, rock, or other material for agricultural purposes.

3. Installation. “Installation” shall mean any pipe, equipment, vault, entrance, coal hole or other receptacle for goods, or other structure placed in a street.

4. Permittee. “Permittee” shall mean a person authorized to conduct an excavation in a street or sidewalk pursuant to Section 15-405.

5. Sidewalk. “Sidewalk” shall mean that portion of a street between the curb lines or, in the absence of curbs, the lateral lines of a roadway, and the adjacent property lines intended or available for the use of pedestrians.

6. Utilities in Good Standing. “Utilities in Good Standing” shall mean a public utility as defined in 35-A M.R.S. § 102, as amended, that is not – either at the time of application or anytime within the past year – in violation of any provision of this Chapter.

### **Sec. 15-403 Administration**

The Public Works Director (the “Director”) shall be responsible for administering the provisions of this Article, and for securing compliance with the City’s street opening, excavation, connection, and restoration requirements.

Where the owner or operator of land retains a contractor to perform work regulated under this Article, such owner or operator and the contractor shall be jointly and severally responsible for complying with this Article; provided, however, that only one permit shall be granted and one performance guarantee required for each excavation.

### **Sec. 15-404 Street Paving; Notice; Moratorium**

1. Notice of Street Paving. Prior to paving or substantially repairing any City street, or of any state or state-aid highway within the Urban Compact area, the Director shall duly serve upon owners of property abutting on such street and upon all persons occupying such street, including public utilities that may have utility facilities in the street, directing such owners and persons to make sewer, water, and conduit connections or other work as may be designated by the Director or planned or reasonably foreseeable by the owner, within 60 days from the date of the notice. The Director shall maintain a current list of newly constructed, reconstructed, and repaved streets, and

portions thereof, and make such list available to the public upon request at both the City Clerk's office and the Department of Public Works, and on the City's website.

2. Moratorium On Street Openings. At the expiration of the time fixed pursuant to the preceding paragraph and after the street has been paved or repaired, no permit may be granted to open that street for a period of 5 years, except as otherwise provided herein.

3. Exceptions. Notwithstanding the foregoing, the Director may issue a street opening permit to open a street within 5 years after that street was paved or substantially repaired if the Director requires such Permittee to either:

A. Utilize trenchless construction techniques that obviate the need for disturbing the paved surface, or

B. Upon disturbing the paved surface, to relay the full width of the road surface on both sides of the cut for a distance of at least 20 feet from the furthest outside edges of the cut. If that repair overlaps the edge of a repair from a previous opening, the Director may require the Permittee to relay the full width of the road to the furthest edge of that previous repair. The Director shall prescribe the depth and method of restoring the pavement based upon the class of the street, except that in no case may the depth of the restored pavement be less than 3 ½ inches.

**State Law Reference: 23 M.R.S. §§ 3351-3352.**

### **Sec. 15-405 Street Opening Permit**

1. Permit Required. No person may excavate, place any installation within, or fill an excavation in any street or sidewalk without having first obtained a Street Opening Permit therefor from the Director or his designee. The Director shall not issue such Street Opening Permit except upon receipt of:

A. A completed application therefor, on a form prepared and provided by or on behalf of the Director;

B. The permit or other applicable fee(s) established by Order of the City Council;

C. A certificate of Public Liability Insurance evidencing liability coverage in conformance with Sec. 15-406(1); and

D. The performance guarantee required under Sec. 15-406(2).

2. Exceptions. No street opening permit shall be required for:

A. Curb cuts for which a curb cut permit is granted pursuant to Chapter 19, Article III, Section 19-307(9);

B. Driveways for which a driveway permit is granted pursuant to Chapter 19, Article III, Section 19-307(9), where the work does not include the placement of a culvert or other subsurface disturbance that, in the discretion of the Code Enforcement Officer, may affect the stability of the

right of way.

3. Permit Application. The written application for Street Opening Permit shall provide the following information:

A. Name, physical, postal, and e-mail or other internet address, and phone number of the applicant and applicant's contractor, if any;

B. Name(s), address(es), and license number and issuing state of the project manager and/or foreman for the excavation, and of every person who may operate excavating equipment in conducting the excavation, backfilling, compaction, and/or site restoration, and a statement as to whether each such manager, foreman, or operator has been denied an excavator license by any governmental entity or caused any damage to property or person while operating equipment at a worksite in the preceding 5 years. The Director may establish conditions to the permit that require that excavation work be performed, or not performed, by specified personnel.

C. Purpose(s) for which the permit is sought;

D. Street address and the type(s) and nature of the occupancy of building(s) to be served by the proposed excavation;

E. Start date for the proposed excavation and the estimated time needed to complete the excavation;

F. Detailed narrative description of the proposed excavation, including its purpose, the total area of street and/or sidewalk to be disturbed, volume of excavated material, trench width and length, and purpose and type of utility connections to be made in the excavated area;

G. Diagram of the proposed excavation showing the location of proposed utility installations / connections, and the size of street or sidewalk excavation;

H. Accurate estimate of the total cost for the excavation, including inspections, testing, and repaving;

I. Evidence of Applicant's notification of, and where applicable permission from, the owner or operator of underground facilities in the proposed excavation area. Evidence of notification may be satisfied by providing the Applicant's Dig-Safe number;

J. Signature of the City Engineer, when applicable;

K. Signature of Police Chief when the flow of traffic will be restricted or detoured;

L. Signature of the City Clerk demonstrating that Applicant is current on all financial obligations to the City; and

M. Signature of the Applicant. Applicant's signature shall be deemed to be Applicant's acknowledgement of, and agreement to comply with, the requirements of this Article. Applicant and, when different, the owner of the property to be served or benefitted by the street opening shall be jointly and severally responsible for compliance with this Article.

The Director shall grant, grant with conditions, or deny each application for a street opening permit within five (5) working days of submission of a complete application. All such permits shall be subject to the conditions stated therein, and to the requirements set forth in this Article, including

those in Sec. 15-407 – General Requirements.

4. Permit Fee. Except as otherwise provided herein, each applicant shall pay to the City a permit fee in an amount reasonably calculated to reimburse the City for the direct cost(s) in labor and equipment typically expended by the City in administering permits issued pursuant to this Article.

The Director shall waive payment of all but \$50 of the permit fee for driveway repairs and repaving for which a driveway permit has been issued and that also require a street opening permit.

The Director shall waive payment of all the permit fees for excavations to be performed by or on behalf of the City or MaineDOT.

The City Manager may waive payment of the permit fee in the event s/he determines that special conditions exist relating to the protection of public health, safety, and welfare, and/or significant financial hardship to a home owner that, in the absence of such waiver, would delay or make impossible needed repairs of such owner's residence or utility facilities serving the residence.

Utilities in good standing may opt to be billed for permit fees, so long as such utility remains current on the resulting permit fee invoices.

5. Permit Valid for 30 Days. Excavation work must be started no later than thirty (30) days from the date of issuance of the Street Opening Permit. At the expiration of this thirty (30) day period, such permit shall become null and void and must be renewed before any work may begin. The permit fee must be paid for each issuance and renewal.

6. Winter Moratorium; Emergency Excavations. Except in the event of an emergency, the Director may not issue a permit for, and no person may commence, an excavation in a City street, sidewalk, or other public place between December 1 in any one year and March 15 in the following year.

7. Emergency Action. Nothing in this Article shall be construed to prevent the making of such excavations as may be deemed necessary for the preservation of life or property, or for the identification of blockages, leaks, or other failures, and the repair thereof, of gas, water, or other utility facilities in the street; provided, however, that the person making such excavation shall apply to the City for a permit therefor on the first municipal working day after such work is commenced. Before any emergency excavation is commenced, the responsible party must take all reasonable steps to notify Dig-Safe pursuant to 23 M.R.S. § 3360-A, and to ascertain the location of underground utility facilities that may be affected by the excavation. In no event may blasting be conducted in an unpermitted emergency excavation.

8. City of Rockland. No permit shall be required for an excavation to be performed by or on behalf of the City of Rockland, provided that the Director first issues a work order that sets forth the pertinent information otherwise required under paragraph (2) of this section. In the event of an emergency excavation by or on behalf of the City, the Director shall be notified and shall issue such work order documenting the emergency and the work as soon as practicable.

## **Sec. 15-406 Liability Insurance; Performance Guarantee; Non-Waiver of Immunity**

1. Liability Insurance. All applicants for street opening permits shall provide with their applications a certificate of liability insurance naming the City as an additional insured for liability arising from the Permittee's excavation, in coverage amounts acceptable to the City Attorney.

### 2. Performance Guarantee.

A. Form. All applicants for a street opening permit, other than utilities in good standing, shall provide a performance bond or other bond, letter of credit, cash security deposit, or other guaranty of a type and in a form acceptable to the City to guarantee Permittee's performance in properly excavating, connecting to utilities, and restoring the excavated area (the "Performance Guarantee") in conformance with the applicable standards, rules, and regulations. In the event the Director determines that there has been a partial or complete failure of the trench or other portion of a right of way as a result of the street opening within two years of the Permittee's final completion of the street excavation and restoration, such failure shall be deemed to be the result of Permittee's failure to perform the excavation or restoration in conformance with the applicable standards, rules, and regulations.

Regardless of any other terms and conditions of said bond or other instrument, payment thereunder by said surety, guarantor, or other issuer to the City must be due immediately on demand upon Applicant's failure to restore the condition of the excavated way, sidewalk, or other public property to the satisfaction of the Director.

Letters of credit or other performance guarantees provided for permits issued prior to the effective date of this ordinance shall be retained and must remain valid for the entire term for which they were accepted by the City.

### B. Exceptions.

(1) City Contract. No street opening permit shall be required of persons who are under contract with the City to perform the excavation if such persons provide a performance bond or other guarantee in an amount equal to or greater than that otherwise required hereunder.

(2) Waiver by City Manager. The City Manager may, upon written request by an Applicant, waive the requirement for a performance guarantee if the City Manager finds that the Applicant has insufficient financial resources to provide the guarantee and that the proposed excavation does not pose a significant risk of impairment to a street, sidewalk, or other City or utility infrastructure.

C. Amount. Licensed excavators or their employers may annually post a Performance Guarantee in the amount of \$25,000 to guarantee their performance under street opening permits for that calendar year. Alternatively, Permittees shall provide the City with a Performance Guarantee for each permitted excavation in the amount of the product of two times the project estimate stated in the application and accepted by the Director (Estimate x 2 = Performance

Guarantee Amount). Bonds and other non-cash performance guarantees shall be in a form and issued by a surety, guarantor, or other issuer acceptable to the City, in its sole discretion, and shall remain effective and subject to negotiation and collection by the City for at least two years from the date of completion of the excavation and street restoration. Cash security deposits made in lieu of providing a bond or similar instrument of performance guarantee shall be refunded upon approved completion of all conditions and requirements of the permit, this Article, and applicable rules and regulations.

#### D. Corrective Actions; Payment.

The Director shall serve written notice upon any person or utility that fails to comply with or that violates any provision of this Article (a “Violator”), stating the nature of the failure or violation and providing a reasonable, specific time limit for the Violator to perform corrective actions; provided, however, that where such failure or violation may trigger tort or other liability for a street defect, the corrective action shall be commenced within 24 hours of the Director’s notice. If the Violator fails to perform the corrective action within the specified time period, the City shall cause the necessary repairs, keeping an account of the expense thereof. Upon the completion of the corrective action by or on behalf of the City, the Director shall cause an invoice to be served upon the Violator for payment, in the amount of 150% of the whole of the expense incurred by the City, which invoice shall be due and payable immediately upon receipt. The Director shall issue no additional street opening permits to the Violator until such invoice is paid in full. Upon the Violator’s failure to perform the corrective action or to pay the City’s invoice therefor, the City shall reimburse itself from the Permittee’s performance guarantee in an amount equal to 150% of the whole of the expense incurred by the City.

3. Non-Waiver. This Article shall not be construed as imposing upon the City or any official or employee of the City any liability or responsibility for damages to any person injured by the performance of excavation work for which an excavation permit is required under this Article, nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work. In the case of a dedicated-but-unaccepted street or way, this Article shall not be construed as authorizing any action which is inconsistent with any private rights in said street or way, nor shall the issuance of any permit hereunder be construed as an acceptance of said street or way by the City for highway or other purposes.

### **Sec. 15-407 General Requirements**

1. Excavation Standards. All street excavations and restorations and other work that cause a disturbance of any street must be conducted in compliance with applicable statutes, ordinances, technical standards, and rules and regulations relating to opening, excavating, working in, and occupying a street or other public way, including the Excavation Standards set forth in Section 15-409, Special Conditions set forth in Section 15-410, and the City’s Technical Standards Manual adopted pursuant to Chapter 2, Article XIV, Section 2-1402.

2. Non-Interference. Contractors shall not interfere with any existing facility, structure or substructure without the written consent of the City or owner of the facility, structure or

substructure. Contractors will assume all liability for all damaged facilities, structures or substructures regardless of ownership, and for any damage or injury sustained as a result of such facility, structure or substructure damage. All excavations shall be conducted so as not to interfere with access to fire hydrants, fire escapes, fire stations, police stations, underground vaults, and all other vital equipment identified by the City and/or Dig-Safe.

3. Inconvenience Minimized. Work shall be carried out in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and abutting property owners to the greatest extent possible; excavation work, noise, dust and unsightly debris shall be minimized. The work area must be cleaned up and all debris removed when construction is completed.

4. Blasting. If blasting is required as part of a project, the Contractor shall conduct a survey, prior to blasting, of the condition of all foundations and other structures and facilities standing at such distance from the proposed blast that they may, in the judgment of the Contractor, be affected by the blast. All property owners and lessees, if any, of buildings, structures and facilities within five hundred (500) feet of the site of the blast, or within the area likely to be affected, whichever is greater, shall be given adequate notice of the planned blasting by the Contractor as soon as possible after the need to blast becomes obvious. In addition, the Contractor shall cause "doorknob-hanger" notices of the blasting to be hand-distributed to these properties between 48 hours and 24 hours before the blasting is scheduled. Eff: 10/13/93

4. Seasonal Night Work. Excavations in Routes 1, 1A, 17, and 73 between June 1 and September 30, except in emergencies or with the prior consent of the Director, shall be performed after 6:00 PM and prior to 7:00 AM.

5. Monuments. Monuments designating property, street lines, or permanent survey markers shall not be disturbed, removed, or concealed without the prior, written consent of the Director, in which instance the Director shall direct the replacement or restoration of the monument by the Permittee or Contractor.

6. Manholes and/or Catch Basins. No person or utility shall remove, damage, haul away, or otherwise disturb any manhole and/or catch basin castings, frames, and/or covers owned by the City without first receiving written permission from the City. Any manhole and/or catch basin castings, frames, and/or covers missing, damaged, or disturbed shall be repaired and/or replaced by the Contractor in accordance with the specifications set forth by the Public Works Department.

7 Sewers, Sewer Connections. No person may uncover, make any connection with or opening into, use, alter, or disturb any public sanitary or storm sewer without first obtaining a written permit therefor from the Water Pollution Control Director pursuant to Chapter 20, Article III, Section 20-304, and paying all applicable sewer connection or other fees and charges.

8. Prompt Completion of Work. After an excavation is commenced, the Contractor shall proceed with diligence and expedite all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified in this Article. The Contractor shall daily perform such restoration work as may be reasonably necessary so as not to obstruct, impede, or create a hazard to public travel by foot or vehicle. If the City determines that

the safety of the public is not being protected, then the City may intervene and perform corrective actions after providing 24 hours' notice to the Permittee or Contractor. If the work is not done in accordance with the time frame outlined in the permit application, then the permit must be renewed or the City will consider the work incomplete and will take action accordingly.

9. Record of Installation. Drawings denoting installation of utility lines or service lines within the right-of-way of streets shall be filed with the Director of Public Works within sixty (60) days of completion of construction.

10. Unauthorized Excavations. Any person conducting an excavation in a street or sidewalk who is not authorized to do so under this Article is not excused from compliance with these general requirements, and a violation of the same shall be subject to penalties and/or fines in the amount of three times the applicable penalties and/or fines applicable to violations committed in conducting permitted excavations, in addition to and not as a substitute for any penalties, fines, and remedies imposed on the violator for conducting an unauthorized excavation.

### **Sec. 15-408 Protective Measures and Routing of Traffic**

1. Safe Crossings. Contractors shall, in general, maintain safe crossing for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossing for pedestrians. If any excavation is made across any public street or sidewalk, adequate crossings shall be maintained for vehicles and pedestrians. If the street is not wide enough to hold the excavated material, without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along such sidewalk line.

2. Barriers and Warning Devices. It shall be the duty of every Contractor cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices, and to post flaggers to guide traffic, as may be necessary for the safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian, and bicycle traffic shall be subject to final review and approval of the Police Department. Barriers, warning signs, lights, etc., shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices." Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset on each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace, light sources.

3. Normalization of Traffic Conditions. Contractors shall take appropriate measures to assure that, during the performance of the excavation work traffic conditions shall minimize inconvenience to the occupants of the adjoining property and to the general public.

4. Closing of Streets. When traffic conditions permit, the City may authorize the closing of streets to all traffic for a stated period of time. In an emergency, a street can be temporarily closed to prevent danger to the public. In such cases, a utility company or contractor responding to the emergency shall contact the Police and Fire Departments by phone before closing a street to traffic.

Closing of streets to all traffic for a limited period of time may also be approved by the Director of Public Works in conjunction with the City Manager, should an unforeseen risk to public safety arise during the completion of a non-emergency project.

5. Interference With Arterial Streets. Unless an emergency exists, construction activities shall not interfere with the normal flow of traffic on arterial streets of the City. The full inbound roadway lane width shall be maintained between the hours of 6:45 A.M. and 8:30 A.M. and the full outbound lane width shall be maintained between the hours of 4:00 P.M. and 5:45 P.M.

6. Shifting Traffic To Opposite Side. Contractors may shift traffic to the opposite side of the roadway to maintain required lane width. The Contractor may only make such shift with the approval of the Police Department following the proper review of detour plans to ensure adequate safe two-way traffic flow and proper number and placement of Police Officers or traffic safety flag persons.

### **Sec. 15-409 Excavation Standards**

1. Clearance for Vital Structures. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and loops, and all other vital equipment as designated by the City.

2. Breaking Through Pavement in Streets and Sidewalks.

a. All excavations on paved surfaces shall be precut in a neat straight line with pavement breakers, saws, or asphalt cutters.

b. Heavy duty pavement breakers may be prohibited by the City when the use endangers existing substructures or other property.

c. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

d. Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.

e. When three (3) or more street openings are made in sequence fifteen (15) feet or less, center to center (between each adjacent opening), the CONTRACTOR shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.

f. On concrete sidewalks, all cuts shall be made from the nearest joint or score line on one side of the excavation to the nearest joint or score line on the other side of the excavation.

g. When an opening is made in a street, where the surface is Portland Cement Concrete, the concrete shall be cut back at least twelve (12) inches beyond the edges of the trench before the new concrete patch is replaced. Sufficient reinforcing shall be furnished to provide the equivalent of one-half (1/2) inch steel rods on twelve (12) inch centers both ways, top and bottom in the new concrete patch. The thickness of the concrete in the new patch shall be at least four (4) inches thicker than the existing concrete and the top surface shall be finished to conform to the surface of the old concrete.

h. When an opening is made in a street where the surface is bituminous concrete, the edges of the pavement shall be cut back an additional eight (8) inches beyond the edges of the patch before the new and permanent surface is replaced.

3. Trenches. Contractors shall minimize the lengths of open, excavated trenches, to better protect public safety and minimize the impact of the excavation on vehicular and pedestrian circulation and access to adjacent properties. The maximum length of open trenches parallel to the travel lanes in a street shall be two hundred (200) feet, except on Routes 1, 1A, 17, and 73, where parallel trenches may not exceed one hundred (100) feet in length without the Director's prior consent. Open trenches that are not parallel with the travel lanes may not exceed the bounds of one travel lane. No greater length shall be opened at any one time for pavement removal, excavation, construction, backfilling, patching or any other operation without the written permission of the City. Trench sides shall be shored so as to prevent the undermining of undisturbed pavement. Contractors shall meet all applicable OSHA Safety Requirements.

#### 4. Care of Excavated Material.

a. All materials excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Materials that are not suitable under this Ordinance or other applicable regulations for reuse for backfilling shall, as soon as practicable, be removed from the site by the City for reuse by the City or, with the Director's prior approval, removed for other reuse or disposed by the Contractor. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, boards or bins may be required by the City to prevent the spread of dirt into the traffic lanes.

b. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the City shall have the authority to require that the Contractor haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the Contractor's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

5. Backfilling of Excavation. Backfilling shall conform with the specifications therefor in the Technical Standards Manual or, in the absence of the same, with regulations adopted by the Water Pollution Control Director for sewer connections, as may be from time to time amended. The Contractor shall conduct compaction testing of the backfill for conformance with such specifications. The City may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in its opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill has been compacted to 95% of its maximum density as determined by the modified Proctor test. All expense of such tests shall be borne by the Contractor. Authorization to resurface does not release the contractor from being responsible for the future condition of the excavated area as required by this Ordinance.

#### 6. Resurfacing of Streets and Sidewalks

A. The Contractor may backfill the excavation from the bottom of the adjacent pavement

to the surface of the pavement with base aggregate meeting the Maine Department of Transportation Specification 703.06(a) for Type B or C base. The Contractor shall maintain this temporary surface level with the surface of surrounding pavement for at least two (2) weeks but no longer than thirty (30) days. The backfill shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The Contractor shall maintain the temporary backfill and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving, except if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian and vehicular traffic, then the Contractor shall maintain barriers and lights where required herein.

B. No later than thirty (30) days after the excavation has been backfilled, the Contractor shall install permanent paving equal to or exceeding the character, thickness and quality of the adjoining undisturbed surface. If hot bituminous asphalt is unavailable due to the season, the excavation shall be surfaced with cold bituminous pavement until such time as permanent pavement is available.

Permittees shall, for a period of two (2) years thereafter, be fully liable for all defects in materials, compaction, and workmanship relating to such backfilling and resurfacing, and shall promptly and satisfactorily repair or replace the same upon notice by the Director of Public Works. If the work is not corrected within thirty (30) days of such notice, the City in its sole discretion, may declare the work to be in non-compliance, and Section 15-412(1) will apply.

#### 7. Inspections.

The City shall make such inspections as may reasonably necessary to secure Permittees' and Contractors' compliance with the requirements of this Article. Such inspections may be performed by the Director, his designee, the Water Pollution Control Facility Director or his designee, or other authorized personnel. The Director may order such actions and corrections as may be reasonably necessary to obtain compliance and/or protect the streets and public places in the City, or any underground utility facilities in a street or public place. The decisions and instructions of the Director with respect to any matter relating to a Permittee or its Contractor's performance and compliance shall be final and binding upon such Permittee and its Contractor, until and unless appealed to a court of competent jurisdiction and therein stayed or overturned.

### **Sec. 15-410 Special Conditions**

1. Where three (3) or more street openings are made in sequence fifteen (15) feet or less, center-to-center, between each adjacent opening, the estimated cost for such excavations shall be calculated on the basis of one opening measured from the outer perimeter of the first opening to the outer perimeter of the last opening.

2. The City, when the Director deems it to be reasonably necessary, shall retain, at the Permittee's expense, an on-site inspector to inspect, monitor, and/or supervise all excavation, backfilling, resurfacing, and/or other temporary or permanent repairs. The Permittee shall be charged at the appropriate hourly rate of the inspector, plus thirty-five (35%) overhead for the

services of such inspector.

3. If the Director, in its sole discretion, determines that settlement, heaving, or other failure or defect of the backfilled excavation has occurred during the two (2) years immediately following the final surfacing of such excavation, the Permittee may, at its option, either repair the opening or remit to the City a sum equal to 150% of the cost to repair the excavation. Permits issued prior to the effective date of the initial adoption of this performance guarantee requirement shall remain subject to the prior, three-year contractor liability for the condition of the opened street or sidewalk.

If a Permittee does not remit payment on any invoice for repairs to defective excavations by or on behalf of the City within thirty (30) days of the date of such invoice, the City may decline to issue further permits to the Permittee or its Contractor until it receives payment of such outstanding bill and may take other appropriate legal action.

### **Sec. 15-412 Fees, Penalties and Enforcement**

1. Violations. The Owner and Contractor shall each be in violation of this Article if a street opening is commenced without a permit therefor, or if work relating to a permitted street opening, excavation, installation, connection, backfilling, street repair, or any other work or thing authorized or required thereunder is not in conformance with such permit, applicable law, ordinance, technical standard, or instruction of the Director.

#### 2. Notice of Violations; Corrections.

The Director shall provide written notice of all such violations to the responsible party(ies), stating the nature of the violation(s), the corrective action(s) required, and a reasonable time in which to perform such corrective actions. To assure public safety, the Director may provide oral notification and require immediate corrective action to avoid or mitigate a safety hazard.

#### A. Corrective Action By Contractor.

The Permittee shall perform the corrective actions required by and to the satisfaction of the Director, within the period identified in the written or oral notice of violation. Permittee's failure so to do shall constitute a separate violation for each day Permittee remains out of compliance with such notice.

#### B. Corrective Action By the City.

Upon Permittee's failure to perform corrective measures required by and to the satisfaction of the Director, the City may perform or cause to be performed the corrective measures, at Permittee's expense, in which event the Permittee shall be required to pay to the City an amount equal to one and one half times the whole of the expense incurred by the City. When the work is completed and the costs have been determined, the City shall issue no further permits to that Permittee until it has received full payment of the amount thus assessed to Permittee. Notwithstanding the City's performance of any work reasonably required to abate a violation of

this Article, the Contractor shall remain fully responsible for performing the work in accordance with this Article and the Contractor's permit, and shall be subject to any applicable fine, penalty, or other remedy in addition to the payment imposed pursuant to this paragraph.

3. Fines and Penalties.

Irrespective of the Owner, Contractor, or City's correction of any violation, the Owner and Contractor shall be subject to one or more of the following fines and penalties, as may be applicable:

A. Commencing work without a permit (except emergencies):

\$500 per day until permit issued or opening repaired;

B. Violation of any General Requirement (Sec. 15-407), Excavation Standard (Sec. 15-409), or Technical Standard:

\$100 per day until corrected;

C. Failure to provide protective measure in violation of Sec. 15-408:

\$250 per day;

D. Failure to comply with written or oral notice of violation:

\$500 per day.

The violation of any requirement or standard under this Article shall constitute a separate offense and shall be subject to a separate fine or penalty as set forth herein.

The City Attorney is hereby authorized to commence legal action on behalf of the City in the Maine District Court for the imposition by the Court of such fines and penalties, and any other remedy available at law or in equity, and to enforce and collect the same.

4. Permit Invalidated; Additional Permits Prohibited.

A violation of any provision of this Article, of a permit issued pursuant to this Article, or of a standard or requirement imposed by this Article, if uncorrected by the Contractor as provided under paragraph 2(A) of this section, shall be deemed to invalidate all other permissions previously granted to Contractor, except the requirement that the work be corrected. No street opening permit shall be issued to any such Contractor until the Director is satisfied that the Contractor has abated its violation and fully complied with all the requirements of this Article.

**Sec. 14-413 Annual Utility Work Plans.**

Prior to March 31 of each year, all utilities having existing or proposed underground utility

facilities in any street or other public place in the City shall file with the Director such utility's proposed work program for the ensuing construction season. Such annual work plan need not include provisions for emergency excavations or private service line excavations. The City may deny applications for street opening permits for excavations required to be, but not included in such utility's annual work plan.

**State Law Reference:** 14 M.R.S. § 871; 35-A M.R.S. §§ 2301-2522;  
23 M.R.S. §§ 3301 – 3360-A.

**Cross Reference:** Ch. 15, Art. I, §§ 15-118, 15-123, 15-132, 15-133, and 15-145.

Sponsor:  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #4**

**IN CITY COUNCIL**

January 12, 2015

**ORDINANCE AMENDMENT:** Street Opening Permits for Certain  
Driveway Installations

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-307, Off-Street Parking, BE AMENDED AS FOLLOWS:**

**CHAPTER 19 – Zoning And Planning**

**ARTICLE III – Zoning Ordinance**

**Sec. 19-307 Off-Street Parking**

\* \* \*

**5. Design Standards for Off-Street Parking.**

\* \* \*

**B. Access to Off-Street Parking.**

\* \* \*

(7) Curb and Sidewalk Construction. When driveways are cut into existing curbing and sidewalks, curbing must be cut back at least four (4) feet on each side of the driveway opening. Replacement curbing, in kind, must be re-laid with ends tapered from seven (7) inches high (or from the height of the existing curbing) to no more than one and one half (1½) inches high at the driveway. When driveways are constructed to slope toward the gutter line of the street, the grade shall be no less than ¼ inch per foot and no more than ½ inch per foot across the complete width of the sidewalk. All work shall be done at the expense of the applicant, shall meet the applicable standards in the Technical Standards Manual, and shall be performed to the satisfaction of the Director of Public Works.

(8) Culverts. Whenever the installation of a culvert underneath a new driveway is deemed necessary to maintain street side drainage, the property owner shall obtain a street opening permit from the City pursuant to Chapter 15, Article IV and shall cause the installation of the culvert in conformance therewith. Alternatively, the property owner may petition the City for such an

installation and the City may install the same, ~~provided that the property owner, at the property owner's expense, upon the property owner's submittal of the requisite street opening permit fee and performance his own expense, furnish a culvert satisfactory to the City.~~ Such culvert shall thereafter be maintained by the City, except that the failure of the original installation may be charged to such performance guarantee.

\* \* \*

**9. Driveway and Curb Cut Permits.**

A. Permits. No person, corporation or other legal entity shall construct or maintain a driveway entrance or approach or cut any curb within the right-of-way of any City street within the Urban Compact District without approval of the Planning Board or a written permit from the Code Enforcement Officer. A permit or Planning Board approval shall also be required for any change in location or grade, or any change in degree or kind of use of an existing driveway, entrance or approach. The permit application form, provided by the Code Enforcement Office, shall be completed and submitted for approval along with the appropriate fee listed in Section 11-402, Land Use Fee Schedule. The Director of Public Works and the Chief of Police or their authorized agents shall make recommendations and countersign each permit application. In the event the establishment of the curb cut or driveway is determined, in the sole discretion of the Code Enforcement Officer or Director of Public Works, to require the installation of a culvert or other disturbance that may affect the stability of any sidewalk or paved road, the property owner shall obtain a street opening permit pursuant to Chapter 15, Article IV, and perform the installation and work in conformance with the requirements of that Article and applicable provisions in the Technical Standards Manual.

B. Review Criteria. The permit-issuing authority shall ensure compliance with the standards in Subsection 19-307.5.B and other applicable standards in Section 19-307 when reviewing applications for new and changed driveways. Safe access with respect to grades, intersections, vehicular and pedestrian traffic volume, schools, housing for the elderly and handicapped, other traffic generators, and any other elements to adequately protect and promote the safety of the traveling public shall be considered. In no case shall reasonable ingress and egress to property abutting a City street be denied.

C. Penalty. Whoever violates any of the provisions of this Section or the rules and regulations made under the authority thereof shall be punished by a fine of not more than one hundred (\$100) to twenty-five hundred (\$2,500) per day as provided in 30-A, M.R.S. §4452.

Sponsor:  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER #83**

**IN CITY COUNCIL**

October 15, 2014

**ORDER** Authorizing Use of Reserve Funds – Sandy Beach Parking Area

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to expend up to \$11,000 from the City Land Sales Reserve Account (#10000-01724) to pay the cost of installing the salvaged cobblestones in the parking area at Sandy Beach Park.

Sponsor: Councilor MacLellan-Ruf  
Originator: Councilor MacLellan-Ruf  
Postponed 10/15/14 to 01/12/15

**CITY OF ROCKLAND, MAINE**

**ORDER # 1**

**IN CITY COUNCIL**

January 12, 2015

**ORDER** Amending Licenses & Permits Fee Schedule – Adult Amusement Store License

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Licenses and Permits Fee Schedule, adopted by the City Council on July 12, 2010, and as amended May 14, 2012, is hereby further amended as follows:

**LICENSES AND PERMITS FEE SCHEDULE**  
**Adopted 07/12/10, Amended 05/09/11; 05/14/12**

<b>LICENSE</b>	<b>FEE</b>
<u>Adult Amusement Store License</u>	<u>\$150</u>

[remainder of schedule is unchanged]

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER # 2**

**IN CITY COUNCIL**

January 12, 2015

**ORDER** Authorizing Transfer of Funds – FY 2014 Solid Waste Budget Shortfall

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to transfer up to \$199,000 from the Landfill Closure Account (#70000-01649) to the FY 2014 Solid Waste Facility Operational Budget to cover a shortfall in that budget.

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER # 3**

**IN CITY COUNCIL**

January 12, 2015

**ORDER** Authorizing Transfer of Funds – Solid Waste Facility Equipment Repairs

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to transfer up to \$18,119 from the Transfer Station Equipment Reserve, Account #70000-01765, to the FY 2015 Solid Waste Facility Operational Budget to cover the cost of transmission repairs to the 1999 Western Star road tractor.

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER #4**

**IN CITY COUNCIL**

January 12, 2015

**ORDER** Authorizing License Agreement – Fence in Right-of-Way

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to enter into a license agreement with Amy D. Files and Alexander D. Shaw to allow a wood fence within the right-of-way at their home located at 39 Pleasant Street (Tax Map #10-I-2), substantially in conformance with the license agreement attached hereto.

Sponsor: Councilor Clayton  
Originator: Councilor Clayton

(1.)

## **LICENSE AGREEMENT**

**THIS LICENSE AGREEMENT** (the “Agreement”) by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the “City” or “Licensor”) and **Amy W. Files and Alexander D. Shaw**, who reside at 39 Pleasant Street in Rockland, Maine (the “Licensees”), is effective January 13, 2015.

**WHEREAS**, the Licensees own and make their home in the single-family dwelling located at 39 Pleasant Street in Rockland, Maine (Tax Map 20-I-2) (the “Premises”); and

**WHEREAS**, for the purpose of improving and beautifying the Premises, and enhancing the use of the Premises as the Licensees’ home, the Licensees recently constructed a fence on the Premises, measuring approximately 4 feet in height and 25 feet in length along the Pleasant Street right-of-way (the “Fence”); and

**WHEREAS**, unbeknownst to the Licensees, the Licensees inadvertently located the Fence within the Pleasant Street right-of-way; and

**WHEREAS**, the City has determined that the location of the Fence, as currently situated, does not pose a danger or impediment to the passage of vehicles or pedestrians within the right-of-way,

**NOW, THEREFORE**, in consideration of the limitations and conditions set forth therein, the City hereby grants to Licensees a license to utilize the Pleasant Street right-of-way for the Fence as follows:

**1. Grant of License.** The City of Rockland grants to Licensees a license and permission to retain the Fence, as currently situated and extend the same along and up to the entire length of Licensees’ frontage, as approximately shown on the attached Exhibit A, partly or completely within the Pleasant Street right-of-way, subject to the terms and conditions set forth in this License;

**2. Term.** The Term of this License Agreement shall be five (5) years, commencing on January 13, 2015, and terminating at midnight on January 12, 2020; provided, however, that this License Agreement may be renewed for one additional, five-year term upon the mutual, written agreement of the City Manager and Licensee.

**3. Termination.** The City may terminate this License Agreement prior to the expiration of the Term or any renewal term by giving written, ninety (90) days' notice of termination in the event the City Manager determines, in his sole discretion, that (A) the Fence (1) poses an unreasonable risk to the public or City personnel or equipment or (2) road or sidewalk construction, maintenance, repairs, alterations, or increased or changed use(s) require the Fence's removal, and (B) no alternative remedy is reasonably available. The Licensees may terminate this Agreement by obtaining a permit and relocating the Fence on the premises outside the right-of-way. In the event of such termination prior to the expiration of the Term of this License Agreement, the permissions granted herein to the Licensees shall cease upon the effective date of such termination; Licensees shall, with or without order or other notice to that effect, and at Licensees' sole expense, remove or cause to be removed the Fence and its constituent parts and materials, and Licensees shall immediately cease any such use;

**4. Fee.** There shall be no fee owed to the City for the permissions granted herein during the initial term of this License Agreement;

**5. Conditions.** The license and permissions granted herein by the City are subject to the following conditions:

A. Maintenance. Licensees shall be fully and solely responsible for the construction, maintenance, repair, removal, and relocation, and the costs thereof, of the improvement(s) authorized in this License Agreement, and the City shall have no responsibility or liability therefor. Licensees shall maintain the Fence in a safe and presentable condition throughout the Term or Terms of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof.

B. Winter Maintenance. The City shall not be liable for any damage or destruction to the Fence caused by road or sidewalk construction, maintenance, or repair; by snow clearing, removal, or related activities; or by any unintentional act or omission by the City;

C. Relocation. In the event that the Fence, or any post or portion thereof, shall become so damaged, deteriorated, or unsightly – in the sole discretion of the Code Enforcement Officer – as to require its repair, Licensees shall, at their own expense, cause the relocation of the Fence to a location on the Premises that is outside the public right-of-way;

**6. Default.** In the event of any default under this Agreement by Licensees, or any failure of Licensees to comply with any other applicable code, rule, or regulation of the City, or order to correct by the Code Enforcement Officer or his designee, Licensees shall, at Licensees' sole expense, cure such default or failure to comply within thirty (30) days; provided, however, that nothing in the foregoing shall limit the City's authority to terminate this Agreement, as set forth herein;

**7. Indemnification; Hold Harmless.** Licensees hereby agree and undertake to indemnify Licensor, and shall protect and hold Licensor harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from any event, act, or omission within the term of this Agreement in connection with any claim, loss, or damage arising from or connected with the construction of the installation(s) authorized herein, or their maintenance as required of Licensees herein. Nothing herein shall be deemed a waiver of any limitation of liability or immunity afforded to the City by the doctrine of sovereign immunity, the Maine Tort Claims Act, and/or other applicable law or doctrine;

**8. Miscellaneous.**

A. This License Agreement is contractual, and is not intended and shall not be construed as creating or conveying to Licensee, or any party, an interest in real property or right-of-way, and Licensee acknowledges for itself, its tenants, members, agents, successors, and assigns, that it or they shall have no right, title, or interest in any City property or right-of-way;

B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall alike extend to and be binding upon Licensee and its successors and assigns;

C. This License Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine;

D. This License Agreement sets forth the entire agreement between the parties relating to the subject matter hereof, and stands in the place of any previous agreement, whether oral or in writing. The parties hereto agree that no amendment to this License Agreement shall be effective or binding upon any party unless it is in a writing signed in due form by both parties.

**IN WITNESS WHEREOF**, this License Agreement has been duly executed by the parties hereto and is effective as of the date first above written.

WITNESS:

CITY OF ROCKLAND, MAINE:

\_\_\_\_\_  
by: Stuart H. Sylvester, City Clerk  
(2.)

\_\_\_\_\_  
by: Thomas J. Luttrell  
its: Acting City Manager

As to Form:

\_\_\_\_\_  
Kevin J. Beal, City Attorney

WITNESS:

AMY W. FILES:

\_\_\_\_\_  
Print: \_\_\_\_\_

\_\_\_\_\_

WITNESS:

ALEXANDER D. SHAW:

\_\_\_\_\_  
Print: \_\_\_\_\_

\_\_\_\_\_