

CITY OF ROCKLAND, MAINE



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

CITY CLERK'S OFFICE

October 10, 2014

***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 WEDNESDAY, OCTOBER 15, 2014 AT 6:30 P.M.
FOR THE FOLLOWING PURPOSE(S):***

[Please Note Starting Time and Date]

Executive Session pursuant to Title 36, Maine Revised Statutes, Section 841,
Subsection 2(E) as well as pursuant to Title 1 Section 405 Paragraph 6(F) to hear a
Poverty Abatement request

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



**STUART H. SYLVESTER
CITY CLERK**

REGULAR MEETING

AGENDA

October 15, 2014

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
 - a. City Manager's Report
 - b. City Attorney's Report
 - c. Other Official's Report
 - d. Mayor's Report
7. Licenses and Permits:
 - a. Liquor & Entertainment Licenses – Fog Bar and Café
8. Resolves:
 - #38 Accepting Donations City Manager
9. Ordinances in Final Reading and Public Hearing:
 - #24 Chapter 14/Chapter 20 Sanitary and Storm Water Sewers Mayor Pritchett
 - #25 Authorizing Quit Claim Deed – Sale of 106 Thomaston Street City Council
 - #27 Chapter 19, Section 19-304 Agricultural Markets (OC Rd) Councilor MacLellan-Ruf
 - #28 Chapter 19, Section 19-304 DT Zone;1st Floor Residential Uses Councilor Isganitis
 - #30 Chapter 13, Article IV Pesticide/Herbicide Usage Councilor Dickerson
10. Ordinances in First Reading:
 - #31 Chapter 11, Section 11-215 Second Hand Merchants Mayor Pritchett
 - #32 Chapter 4, Sections 4-201 & 4-202 NFPA Revisions (2012) Councilor Isganitis
 - #33 Chapter 8, Section 8-708 GA, Maximum Levels of Assistance City Council
11. Orders:
 - #82 Authorizing Police Mutual Aid Agreement w/Rockport City Manager
 - #83 Authorizing Use of Reserve Funds – Sandy Beach Parking Councilor MacLellan-Ruf
 - #84 Authorizing Fee Waiver – Use of Recreation Center Councilor Hebert
 - #85 Authorizing Bids – Sale of City Property (31 Lisle St.) City Manager
12. Adjournment.

APPLICATION FOR CITY LICENSE
CITY OF ROCKLAND, MAINE

270 Pleasant Street
Rockland, Maine 04841

Name of Applicant Fox ~~Bar + Cafe~~ Inc Phone 593-9371

Address of Applicant 328 Main St
Rockland, ME 04841

Name of Business Fox Bar + Cafe Phone 593-9371

Address of Business 328 Main St
Rockland, ME 04841

Name of Property Owner (if different) Warren Seelig + Sheryl Gibson

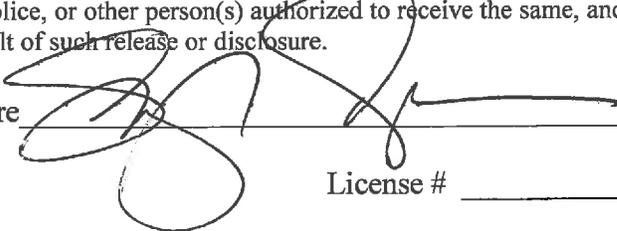
Type of License(s): Liquor Victualer Entertainment
 Lodging House Commercial Hauler Landscape Contractor
 Billiard Room Second Hand Dealer Other (Specify) _____

Type of Business Bar + restaurant

Expiration of Current License 10/24/14

Fee(s) Paid \$300 Date 9/30/14

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  Date 9/30/14

Approved By:  License # _____

Code Officer _____ Date _____
 Approved Inspected; See Report

Fire Inspector _____ Date _____
 Approved Inspected; See Report

Police Chief _____ 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 10/22/14

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)
DOB: _____	Fog Bar + Cafe
Fog INC	DOB: _____
DOB: _____	328 Main St
Address: 328 Main St	Location (Street Address)
DOB: _____	Rockland ME 04841
City/Town: Rockland	City/Town: same
State: ME	State: ME
Zip Code: 04841	Zip Code: 04841
Telephone Number: 207-593-9371	Business Telephone Number: 207-593-9371
Fax Number: _____	Fax Number: _____
Federal I.D. #: 45-562-8449	Seller Certificate #: _____

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 250,000 LIQUOR \$ 150,000
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: _____ Business hours: _____
- Business address can located at: 328 Main St

10. Is/are applicants(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
Ashley Seelig	5/22/82	Phila, PA
Sheryl Gibson	11/22/50	Budgeton, NJ

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

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: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

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? 15 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: Rockland, Maine on 30 Sept, 20 14
Town/City, State Date

[Signature]
 Signature of Applicant or Corporate Officer(s)
SHERYL GIBSON
 Print Name

Please sign in blue ink
[Signature]
 Signature of Applicant or Corporate Officer(s)
ASHLEY SEELIG
 Print Name

CITY OF ROCKLAND, MAINE

RESOLVE #38

IN CITY COUNCIL

October 15, 2014

RESOLVE Accepting Donations

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

WHEREAS, the Friends of the Rockland Public Library donated \$955.94 for 95 items 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 Bicknell family donated \$100 to the Library in memory of Hazel Spear, 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, Sue Ellen Gerrish donated \$20 to the Library in memory of Hazel Spear, 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, Casella Waste Systems, Inc., of Rutland, Vermont, donated \$1,100 to the City, to be deposited into the Public Shade Tree account (#10000-01682), to be expended from the same for the purchase of public shade trees; and

WHEREAS, Bar Harbor Bank and Trust donated \$100 to the City to be uses for the purchase of a picnic table, said funds to be deposited into, and expended from, the Recreation Department Parks Maintenance Account (#63-05037);

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

ORDINANCE AMENDMENT #24

IN CITY COUNCIL

September 8, 2014

ORDINANCE AMENDMENT: Re-Codifying Water Pollution Control Ordinances & Clarifying Responsibility For Private Lateral Maintenance And Repair

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 14, Sewers, Drains and Solid Waste BE DIVIDED AND RENAMED, AND THAT NEW CHAPTER 20, Sanitary And Storm Water Sewers And Facilities, BE ESTABLISHED, AS FOLLOWS:

**CHAPTER 14 Municipal Solid Waste Facility, Collection, and Recycling
~~Sewers, Drains and Solid Waste~~**

* * *

[MOVE ARTICLES II, III, AND IV TO NEW CHAPTER 20.]

ADD:

CHAPTER 20 Sanitary And Storm Water Sewers And Facilities

* * *

ARTICLE II Sewers; Construction and Assessment

* * *

Sec. 20-208 Action for Collection

All assessments and charges made under Articles ~~II and III~~~~IV and V~~ shall be assessed upon the owner(s) and/or occupant(s) of the property served by a public sewer certified by the Municipal Officers and filed with the Tax Collector for collection. If the person assessed, within thirty (30) days after written notice of the amount of such assessments and charges, fails, neglects or refuses to pay the municipality the expense thereby incurred, the City, in addition to any other remedy available at law or in equity, may collect such assessments and charges utilizing the collection procedures set forth in 30-A M.R.S. § 5405 and 38 M.R.S. § 1208, pursuant to 30-A M.R.S. § 5406. ~~a special tax in the amount of such assessment and charges may be assessed by the~~

~~Municipal Assessors upon each and every lot or parcel of land so assessed and buildings upon the same, and such assessment shall be included in the next annual warrant to the Tax Collector for collection, and shall be collected in the same manner as State, county and municipal taxes are collected.~~

* * *

ADD:

ARTICLE IV Sewer Lateral Inspection, Repair And/Or Replacement

Sec. 20-401 Purpose

The purpose of this Article is to establish requirements for property owners to inspect, maintain, repair and/or replace sewer laterals, sewer relief valves and sewer backwater valves, as required, on each property in the City that is connected to the City’s sewer system. A sewer lateral that is properly maintained will reduce the risk of sanitary sewer overflows (“SSOs”) and sewer backups by minimizing inflow and infiltration into the sewer system and minimizing blockages due to pipe failures or root intrusion. A sewer relief valve properly installed on a sewer lateral will prevent sewage that is blocked in or near the sewer main from flowing back into a residence and causing a health hazard and causing property damage. A sewer backwater valve will protect properties that sit in a low elevation, with respect to the sewer main, from backflows and associated health hazards and property damage. SSOs pollute surface and groundwaters, threaten public health, adversely affect aquatic life and impair the recreational use and aesthetic enjoyment of surface waters. Typical consequences of SSOs include the closure of beaches and other recreational areas, inundated properties and polluted rivers and streams. SSOs can result in penalties and fines to the City from governmental agencies and nongovernmental organizations. Due to the risk of sanitary sewer overflows and sewer backups, the City Council finds that a program to keep sewer laterals in good repair and to install sewer relief valves and sewer backwater valves where required, is in the best interests of the health and welfare of the citizens of the City of Rockland.

Sec. 20-402 Definitions

The following definitions apply to this Article. Terms not defined in this chapter shall have their ordinary and common meaning, or if applicable, the meaning set forth in the Uniform Plumbing Code.

1. “Applicant” shall mean any individual, firm, limited liability company, limited liability partnership, association, partnership, government agency, industry, public or private corporation or any other person or entity whatsoever who applies to the City for permits for building improvements. An applicant shall be the property owner or an authorized agent of the property owner.

2. “Building Improvement” for the purposes of this chapter shall mean the following:

- A. New sewer connections
 - B. Repair, remodeling or improvement where the cost of the improvements exceeds fifty thousand dollars (\$50,000) in 2014 dollars, an amount to be adjusted every year for inflation according to an inflation adjustment to be determined by resolution of the City Council.
 - C. Repair, remodeling or improvement where more than twenty five percent (25%) of the building is being repaired, remodeled or improved.
 - D. Repair, remodeling or improvement where additional toilets are being installed.
 - E. Change of use on the property served from residential to commercial.
 - F. Change of use on the property from non-restaurant commercial to restaurant commercial.
 - G. Change of use on the property from non-manufacturing to manufacturing.
3. “City” shall mean the City of Rockland, a municipal corporation situated in the County of Knox and State of Maine.
 4. “Director” shall mean the Director of City’s Water Pollution Control Facility, or his designee.
 5. “Fats, Oils and Grease” or “FOG” means any fats, oils, waxes or other similar or related constituents. FOG may be of vegetable or animal origin, including; but not limited to: butter, lard, margarine, vegetable fats and oils as well as fats in meats, cereals, seeds, nuts and certain fruits. FOG may also be of mineral origin including kerosene, lubricating oil or road oil. FOG in the City’s sewer system is generally present as, but need not be, a floatable solid, a liquid, a colloid, an emulsion or in a solution.
 6. “Good Cause” shall mean practical difficulties, including interference with the use or safety of the public right-of-way or adverse weather conditions.
 7. “Infiltration” shall mean the seepage of groundwater into a sewer system, including sewer laterals. Seepage frequently occurs through defective or cracked pipes, pipe joints, connections or manhole walls.
 8. “Inflow” shall mean water discharged into a sewer system including sewer laterals from such sources as, but not limited to, roof leaders, cellars, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, areas around manhole covers or through holes in the covers, cross connections from storm systems, catch basins, surface runoff, street wash waters or drainage.
 9. “Lower lateral” shall mean the portion of a sewer lateral lying within a public street connecting an upper lateral to the sewer main.

10. “Notice to repair” shall mean notice issued by the Director of Pollution Control to a property owner that the sewer lateral is in violation of this chapter, which order directs the abatement of the violation.
11. “Property Owner” shall mean the owner of the property as shown on the last equalized assessment roll or in the records of the Knox County Registry of Deeds.
12. “Sanitary Sewer Overflow” or “SSO” means any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oil and grease.
13. “Sewer backup” means a blockage of sewer flow in a sewer lateral which results in damage to private property.
14. “Sewer backwater valve” shall mean a device installed in the horizontal position in the sewer lateral below ground, which includes a one-way flap valve which allows the sewage to flow out to the sewer main in normal use, but prevents sewage from backing up into the property if the sewer main shall become blocked.
15. “Sewer lateral” shall mean the sewer line beginning at the foundation wall of any building and terminating at the sewer main and shall include the upper lateral and lower lateral together.
16. “Sewer main” shall mean a public sewer designed to accommodate more than one sewer lateral.
17. “Sewer relief valve” shall mean a device that allows water and materials that back up to escape from the cleanout rather than flowing into the property.
18. “Stormwater” shall mean the water running off or draining from the surface and subsurface of an area during and after a period of rain or irrigation.
19. “Public Street” shall mean any public highway, street, alley, public easement or right-of-way.
20. “Upper lateral” shall mean that portion of a sewer lateral beginning at the foundation wall of any building or industrial facility and running to the property line.

Sec. 20-403 General Requirements for Sewer Lateral Inspection, Repair and/or Replacement.

1. Administration. The Director is authorized to prepare and publish administrative procedures which shall, among other things, establish the following:
 1. Standards for sewer lateral inspection, repair and/or replacement.

2. Standards for sewer relief valves and sewer backwater valve devices.
3. Standard for root removal from sewer laterals.
4. A standard notice to repair and enforcement procedures for sewer lateral repair and/or replacement.
5. An enforcement response plan related to sewer ordinances.

2. Applicability.

A. This chapter shall apply to property located within the City or connected to the City's sewer collection system through an outside sewer service agreement.

B. All sewer laterals connected to the public sewer, including sewer laterals servicing residential, multi-family residential, commercial or industrial uses shall be inspected in accordance with the appropriate provisions of Sections 13.05.050 through 13.05.090 upon the occurrence of any of the following, unless a valid certificate of sewer lateral compliance is on file with the City:

- (1) Application for a new connection to the sewer collection system; or
- (2) Application for a building permit for a building improvement; or
- (3) In conjunction with a repair or replacement of the sewer main to which the sewer lateral is connected; or
- (4) In conjunction with smoke testing of the sewer main; or
- (5) Subsequent to a sanitary sewer overflow resulting from blockage in a lower lateral.

3. Approved Inspection Methods. Inspection of sewer laterals shall be conducted according to standards adopted by the Director. Inspection shall be conducted by closed circuit television or three-dimensional photography. Inspection shall be performed by a licensed plumber, contractor or other person who possesses any license required by law, if any, to perform the inspection. The inspection record shall contain a photo or video of the exterior of the property being inspected. Inspection shall not commence without a valid permit issued by the City, which provides the opportunity for the inspection to be witnessed by the Director. Upon completion of the visual inspection, the person conducting the inspection shall provide a copy of the inspection results to the Director. A video inspection shall be valid for a period of 1 year from the date of video recording.

4. Sewer Relief Valve Requirements. A sewer relief valve shall be installed by the property owner on the sewer cleanout where the upper lateral connects to the lower lateral on each sewer lateral connection of a single-family or multi-family residential property to a sewer

main.

5. Sewer Backwater Valve. A sewer backwater valve shall be installed by the property owner on the upper lateral where the elevation of any floor of the building is below the street elevation of the sewer main, where a condition exists where a blockage in the sewer main would cause the sewer to back up to an elevation above the lowest floor level of the building, or where a pump is used to lift sewage to the sewer lateral or sewer main.

6. Requirements for Sewer Lateral Repair and/or Replacement. The Director shall issue a notice to repair when the sewer lateral has conditions which would result in an unacceptable amount of inflow or infiltration to enter the sewer system or which would result in an unacceptable risk of blockages. The Director shall have the sole discretion to determine when repair and/or replacement is required due to unacceptable conditions of a sewer lateral. A sewer lateral shall be considered in compliance with the provisions of this chapter if inspection verifies all of the following conditions to the satisfaction of the Director:
 - A. The sewer lateral is free of roots, deposits of FOG and/or other solids which may impede or obstruct the flow of sewage.

 - B. There are no illicit or illegal connections to the sewer lateral which would cause inflow, such as roof leaders or yard drains.

 - C. All joints in the sewer lateral are tight and sound to prevent the exfiltration of sewage and/or the infiltration of groundwater.

 - D. The sewer lateral is free of structural defects, cracks, breaks or missing portions and the grade is reasonably uniform without major sags or offsets.

 - E. The sewer lateral is equipped with cleanouts as shown on the City's standard detail.

 - F. The sewer lateral is constructed of materials with a remaining design life of at least twenty-five (25) years. "Orangeburg pipe" a bituminized fiber pipe made from layers of wood pulp and pitch pressed together, shall be considered to be at the end of its design life.

 - G. A sewer relief valve is installed.

 - H. A sewer backwater valve, if required, is installed.

7. Time Limit for Sewer Lateral Repair and/or Replacement. Repair and/or replacement of sewer laterals shall be completed within one hundred twenty (120) calendar days after the issuance of a notice to repair.

8. Time Limit for Root Removal. Removal of tree roots from sewer laterals shall be completed within ninety (90) days after the issuance of a notice to repair.

9. *Permits Required for Repair.* All repair or replacement work shall be completed by a person properly licensed to perform the work, including a licensed plumber and/or contractor and shall be completed under all appropriate permits from the City including, as appropriate, building and encroachment permits.

10. *Repair Performed by City and Recovery of Costs.*

A. If the sewer lateral repair/replacement and/or sewer lateral root removal are not completed by the property owner within the required time limits, including any extensions granted, the City may complete the required repair/replacement and/or root removal. The cost in any sum of money expended by the City in making such a repair/replacement shall become a lien upon the property served by the sewer lateral and may be recovered in an action brought thereof in the name of the City; or, in the alternative, such cost and expenditure may be placed upon the municipal tax bill to be collected by the City of Rockland for the benefit of the City.

B. Prior to the City causing a lien to be placed on the municipal tax bill, the City Clerk shall notify the property owner of the intent to place the cost of the repair/replacement on the municipal tax bill and shall give the property owner the opportunity to appear before the City Council to show cause for why such sums should not be placed on the municipal tax bill to be collected for the benefit of the City.

C. Any and all sums determined to be due and owing to the City by resolution of the City Council shall accrue interest at the rate set by resolution.

11. *Final Inspection.* Upon completion of the repair and/or replacement of the sewer lateral, re-inspections shall be conducted until the sewer lateral passes inspection.

Sec. 20-404 Requirements for Sewer Lateral Inspection, Repair and/or Replacement as a Condition of Permits for Building Improvements.

1. *Responsibility for Sewer Lateral Inspection, Repair and/or Replacement.* The applicant for permits for building improvements shall be responsible for performing sewer lateral inspection, repair and/or replacement. A building permit shall be obtained if one has not already been obtained.

2. *Occupancy Contingent on Completion of Sewer Lateral Repair and/or Replacement.* Occupancy permits for building improvements shall only be issued if the sewer lateral passes inspection.

Sec. 20-405 Requirements for Upper Lateral Inspection, Repair and/or Replacement in Conjunction with Repair and/or Replacement of the Sewer Main.

1. *Responsibility for Inspection of Upper Lateral and Lower Lateral.* Upon repair and/or replacement of the sewer main, the City may inspect the upper lateral and/or the lower lateral. In addition to visual inspection, the inspection performed by the City may include

smoke testing, dye testing or other methods to assess the condition of the sewer lateral.

2. *Responsibility for Repair and/or Replacement of Sewer Lateral.* The property owner shall be responsible for repair and/or replacement of the upper lateral in the case where the City is repairing and/or replacing the sewer main and/or the lower lateral. The property owner shall also be responsible for correcting all sources of inflow to the sewer lateral.
3. *Notice to Repair and Time Limits.* A notice to repair will be issued by the Director when conditions are observed in conjunction with repair and/or replacement of the sewer main which require repair and/or replacement of the sewer lateral. Time limits for repair and/or replacement of the sewer lateral shall be stated in Section 20-403.
4. *Repair Performed by the City and Recovery of Costs.* If the sewer lateral repair/replacement and/or root removal are not completed within the required time limits, including any extensions granted, the City may complete the required repair/replacement and/or root removal, and the costs thereof shall be recovered in accordance with Section 20-403.

Sec. 20-406 Requirements for Sewer Lateral Inspection, Repair and/or Replacement Upon Smoke Testing of the Sewer Drain.

1. *Responsibility for Inspection.* The City may perform smoke testing of sewer mains to detect sources of inflow. Upon notification by the Director that smoke testing indicates the presence of inflow from private property, it shall be the responsibility of the property owner to perform an inspection of the sewer lateral according to the approved inspection methods described in Section 20-403.
2. *Responsibility for Repair and/or Replacement of Sewer Lateral.* The property owner shall be responsible for repair and/or replacement of the sewer lateral in the case where a notice to repair has been issued as a result of smoke testing.
3. *Notice to Repair and Time Limits.* A Notice to Repair will be issued by the Director when conditions are observed in conjunction with smoke testing which require repair and/or replacement of the sewer lateral. Time limits for repair and/or replacement of the sewer lateral shall be stated in Section 20-403.
4. *Repair Performed by City and Recovery of Costs.* If the sewer lateral repair/replacement and/or root removal are not completed with the required time limits, including any extensions granted, the City may complete the required repair/replacement and/or root removal, and the costs thereof shall be recovered in accordance with Section 20-403.

Sec. 20-407 Requirements for Sewer Lateral Inspection, Repair and/or Replacement Upon Sanitary Sewer Overflows and/or Sewer Backups.

1. *Responsibility for Inspection.* The City may perform inspection of sewer laterals upon sanitary sewer overflows and/or sewer backups.

2. Responsibility for Repair and/or Replacement of Sewer Lateral. The property owner shall be responsible for repair and/or replacement of the upper lateral in the case where a notice to repair has been issued following a sanitary sewer overflow and/or a sewer backup. The property owner shall also be responsible for correcting all sources of inflow to the sewer lateral.
3. Notice to Repair and Time Limits. A Notice to Repair will be issued by the Director when conditions are observed in conjunction with sewer overflow and/or sewer backup which require repair and/or replacement of the sewer lateral. Time limits for repair and/or replacement of the sewer lateral shall be stated in Section 20-403.
4. Repair Performed by City and Recovery of Costs. If the sewer lateral repair/replacement and/or root removal are not completed with the required time limits, including any extensions granted, the City shall complete the required repair/replacement and/or root removal, and the costs thereof shall be recovered in accordance with Section 20-403.
State Law Ref.: 38 M.R.S. § 3426.

Sec. 20-408 Failure to Repair and/or Replace Sewer Lateral a Public Nuisance

The failure of a property owner to repair and/or replace a sewer lateral within the time limits stated in Section 20-403:

1. Shall be deemed a public nuisance; and
2. Shall relieve the City, its officers, employees and agents from any liability, damages, or claims resulting from a sewer backup, regardless of whether the sewer backup occurs from a blockage of a sewer main or a sewer lateral.

State Law Ref.: 38 M.R.S. §§ 3405, 3422(3), 3426, 3428.

Sponsor: Mayor Pritchett
 Originator: Water Pollution Control
 Facility Director

First Reading 9/8/14
 First Publication 9/18/14
 Public Hearing 10/15/14
 Final Passage _____
 Second Publication _____
 Effective Date _____

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT # 25
IN CITY COUNCIL**

September 8, 2014

ORDINANCE AMENDMENT Authorizing Sale of City Property – 106 Thomaston Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a municipal quit claim deed to Ryan Lawrence for a City-owned parcel of land and the building(s) thereon located at 106 Thomaston Street, Rockland, Maine (Tax Map #61-A-8) for \$50,000; said sale being subject to the execution and compliance with terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: City Council
Originator: City Manager

First Reading 9/8/14
First Publication 9/18/14
Public Hearing 10/15/14
Final Passage _____
Second Publication _____
Effective Date _____

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #27

IN CITY COUNCIL

September 8, 2014

ORDINANCE AMENDMENT: Authorizing Agricultural Markets on
Old County Road in the Residential B Zone

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, Subsection 19-304(3), Residential B Zone Regulations, BE AMENDED AS FOLLOWS:

3. RESIDENTIAL ZONE "B"

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

* * *

B. Conditional Uses

The following are permissible with the approval of the Planning Board. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing, at the applicant's expense, at least 7 days prior to consideration of the conditional use by the Planning Board. Eff: 09/09/09

RESIDENTIAL ZONE "B" CONDITIONAL USES	
(1)	Bed and Breakfast Establishments
(2)	Home Occupation, Level 3
(3)	Home Occupation similar in scale and impact to Home Occupation Level 3
(4)	Lodging or Rooming houses;
(5)	Nurseries or commercial greenhouses shall be allowed north or west of Old County Road only, and provided that no greenhouse heating plant shall be located within 60 feet of any front lot line or within 25 feet of any other lot line
(6)	Farming

(7)	<p>Parking Lots. Parking lots shall be allowed in a Residential Zone "B" only with the following additional restrictions:</p> <ul style="list-style-type: none"> (a) Any parking lot located in a Residential Zone "B" shall be for the exclusive use of employees of the business requesting the special exception. (b) The parking lot shall be closed off and unavailable for use when the business requesting the special exception is not in operation. (c) No parking spaces shall be rented for profit. (d) Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business. Eff: 10/12/94
(8)	Private Non-Medical Institutes and Residential Care Facilities, Small. Eff: 04/11/12
(9)	Schools and Day Care Facilities Eff: 07/11/07
(10)	Quasi-Public Uses
(11)	Any public utility building, if constructed to conform and harmonize with the buildings in this zone, provided further that the proposed use does not include a storage or service yard or repair shop, or outside storage of supplies.
(12)	On lots served by public sewerage, Assisted Living Facilities, and multi-family dwellings that include an Assisted Living Facility. Eff: 09/09/09
(13)	<u>Agricultural Markets on parcels fronting on Old County Road operated by a parcel owner and/or by a person whose primary residence is located on the parcel.</u>

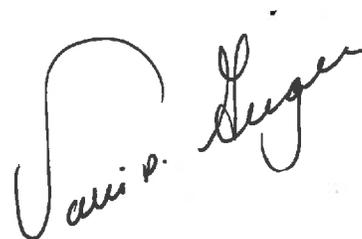
Sponsor: Councilor MacLellan-Ruf
Originator: City Council

First Reading 4/8/14
First Publication 9/18/14
Public Hearing 10/15/14
Final Passage _____
Second Publication _____
Effective Date _____

MEMORANDUM

To: Mayor Pritchett & City Council Members

From: Valli Geiger, Chair, Comprehensive Planning Commission



Date: September 23, 2014

Re: Recommendations for Ordinance Amendments #27 and #28

The Comprehensive Planning Commission met on September 11, 2014 to consider two ordinance changes as requested by the City Council. The first was:

Ordinance Amendment #27, Chapter 19, Sec. 19-304, Resident Zone "B" Regulations on Agricultural Markets, Old County Road

While there was discussion, this was an uncontroversial change to the ordinance and allows owners more freedom to use their property as they desire while still meeting design standards that serve the city.

There was concern expressed about the amount of traffic on the road and the poor state of repair and how that would impact people stopping at markets. But in the end, most were satisfied with this change given that it was part of the original vision of Rural Residential Zone 2.

ACTION: Member Morris made a motion, seconded by Member Pinto to recommend approval of Ordinance Amendment #27 as written. VOTE: 6-0-1 (Member Keedy abstained.)

Ordinance Amendment #28, Chapter 19, Sec. 19-304, DT Zone Regulations- Street Level Residential Uses

This ordinance amendment led to much more discussion and ultimately to a change to the ordinance amendment as submitted to us. How members feel about that change has much to do with each person's belief in what makes a city thrive. For much of Rockland's history, commercial, industrial and residential areas were mixed together. It made for a busy, noisy, thriving and sometimes, dirty city with small shops mixed among residential and commercial areas and residential housing present through out the city. The 20th century created the concept of zones to separate commercial, residential and industrial from each other, with an emphasis on the use of a car to travel to commercial districts, which were now too far from residential neighborhoods to walk to.

The Comprehensive Planning Commission felt that this strict separation of uses has not stood the test of time, that cities are swinging back to an emphasis on walkable, mixed use neighborhoods. There was a sense that many people moving into the area are looking for in-town properties and increased density. That while you want to protect residential neighborhoods from commercial and industrial encroachment, a city thrives when residential spaces are scattered throughout a commercial area, allowing for more vibrant night life, and supporting smaller shops and services throughout.

To that end, the Commission chose to recommend that the City Council strike the restrictions to residential building in all but Main Street, instead promoting and encouraging mixed use. The commission believes this will increase pedestrian traffic downtown, encourage use of space with existing infrastructure like sidewalks, sewers and water systems and increase the number of residents living within the city limits.

The final ordinance amendment recommendation stated:

“(a) Residential uses, including single-family and multi-family dwelling units; provided, however, that on parcels abutting Main Street, new dwelling units are only allowed where at least seventy-five percent (75%) of the street level floor space shall be used primarily for those uses set forth in subparagraphs (1) (b) et seq., and single-family dwellings may only be repaired or rebuilt as provided at Section 19-308;”

VOTE: 7-0-0 Passed unanimously

Thank you for the opportunity to serve the city of Rockland. The Commission looks forward to the joint meeting with the City Council, REDAC and Planning to discuss the DT and TAAOZ district standards.

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #28

IN CITY COUNCIL

September 8, 2014

ORDINANCE AMENDMENT: Authorizing Enhanced Residential Use
Options In The Downtown Zone

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, Subsection 19-304(14), Downtown Zone "DT" Regulations, BE AMENDED AS FOLLOWS:

14. Downtown Zone "DT" Regulations.

A. Purpose.

The purpose of the Downtown Zone is to preserve and promote a compact, historic commercial district to serve as the retail, office, institutional, financial, governmental, and cultural center of the community. This Zone should include mixed uses that are compatible with existing uses and architectural scale.

B. Use Regulations.

In a Downtown Zone "DT" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses

(a) Congregate housing and other residential uses; ~~except provided, however, that on parcels abutting Main, Union, Limerock, Park, Pleasant, Winter, and Commercial Streets, Tillson Avenue, and Park Drive, new dwelling units are only allowed where at least seventy-five percent (75%) of the street level floor space shall be used primarily for those uses set forth in subparagraphs (1)(b) et seq., and~~ Single-family dwellings may only be repaired or rebuilt as provided at Section 19-308;

- (b) Business services;
- (c) Churches;
- (d) Community and civic buildings and uses;
- (e) Eating and drinking places;
- (f) Financial services;
- (g) Home occupations, all levels of;
- (h) Human health services;

- (i) Light assembly
- (j) Lodging facilities: hotels, motels, bed & breakfasts;
- (k) Newspaper and job printing;
- (l) Office buildings;
- (m) Parking facilities, commercial;
- (n) Parks and playgrounds;
- (o) Personal services;
- (p) Professional services;
- (q) Quasi-public uses;
- (r) Research and development;
- (s) Retail or wholesale business, any generally recognized;
- (t) Schools and day care centers;
- (u) Social Services;
- (v) Studios;
- (w) Theaters, museums, art galleries and other places of entertainment and assembly;
- (x) Tradesmen's or craftsman's offices, shops, and showrooms;
- (y) Accessory uses; and

Sponsor: Councilor Isganitis
 Originator: Community Development Director

First Reading 9/8/14
 First Publication 9/18/14
 Public Hearing 10/15/14
 Final Passage _____
 Second Publication _____
 Effective Date _____



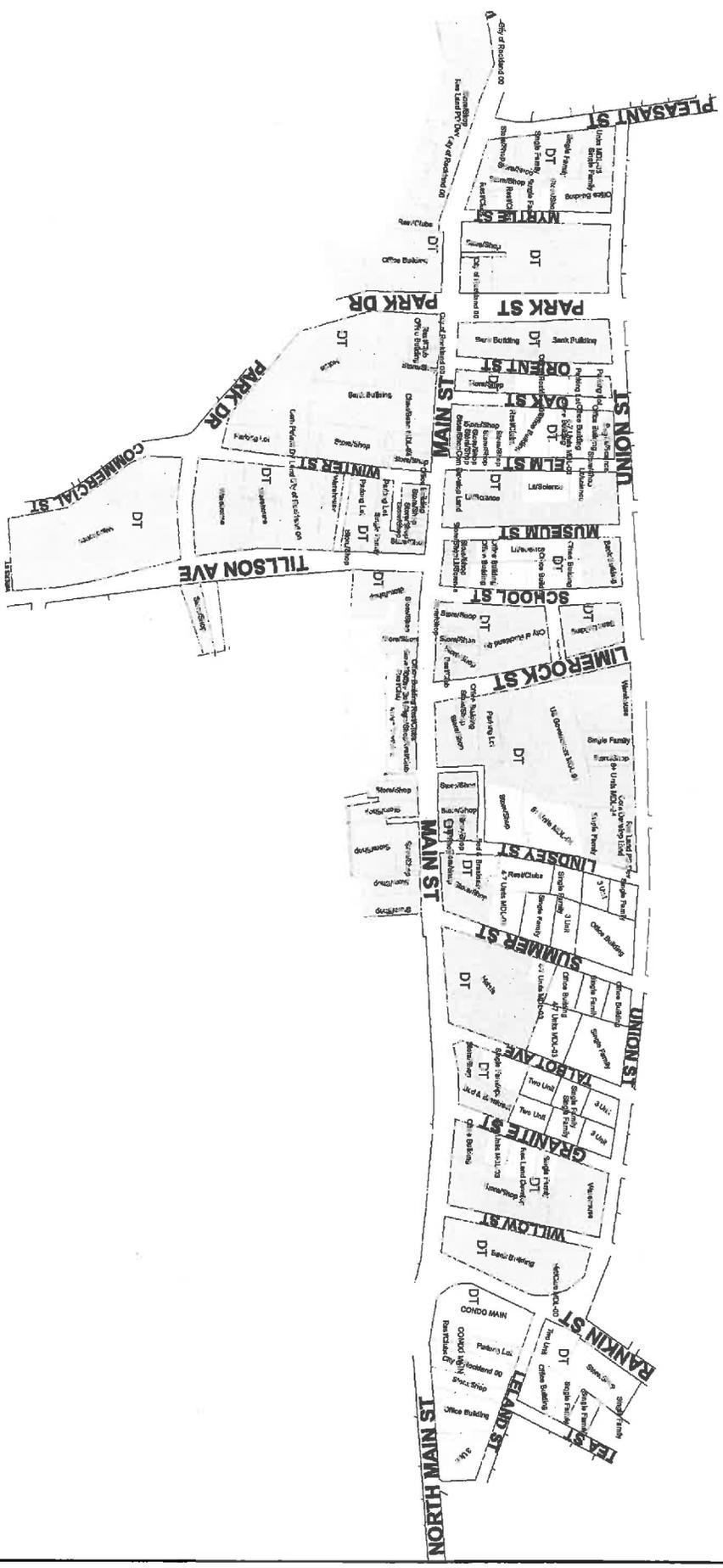
CITY OF
ROCKLAND
KNOX COUNTY
MAINE

Would permit residential on 1st floor in the DT Zone.
 Downtown Zone

Printed: 9/5/2014



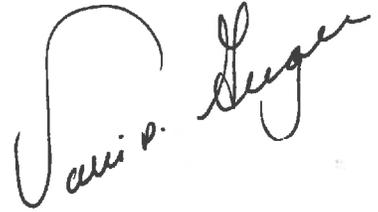
DISCLAIMER
Tax maps are compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for assessment purposes only, and not for conveyance.



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From: Valli Geiger, Chair, Comprehensive Planning Commission



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Regulations on Agricultural Markets, Old County Road**

While there was discussion, this was an uncontroversial change to the ordinance and allows owners more freedom to use their property as they desire while still meeting design standards that serve the city.

There was concern expressed about the amount of traffic on the road and the poor state of repair and how that would impact people stopping at markets. But in the end, most were satisfied with this change given that it was part of the original vision of Rural Residential Zone 2.

ACTION: Member Morris made a motion, seconded by Member Pinto to recommend approval of Ordinance Amendment #27 as written. VOTE: 6-0-1 (Member Keedy abstained.)

**Ordinance Amendment #28, Chapter 19, Sec. 19-304, DT Zone Regulations-
Street Level Residential Uses**

This ordinance amendment led to much more discussion and ultimately to a change to the ordinance amendment as submitted to us. How members feel about that change has much to do with each person's belief in what makes a city thrive. For much of Rockland's history, commercial, industrial and residential areas were mixed together. It made for a busy, noisy, thriving and sometimes, dirty city with small shops mixed among residential and commercial areas and residential housing present through out the city. The 20th century created the concept of zones to separate commercial, residential and industrial from each other, with an emphasis on the use of a car to travel to commercial districts, which were now too far from residential neighborhoods to walk to.

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The final ordinance amendment recommendation stated:

“(a) Residential uses, including single-family and multi-family dwelling units; provided, however, that on parcels abutting Main Street, new dwelling units are only allowed where at least seventy-five percent (75%) of the street level floor space shall be used primarily for those uses set forth in subparagraphs (1) (b) et seq., and single-family dwellings may only be repaired or rebuilt as provided at Section 19-308;”

VOTE: 7-0-0 Passed unanimously

Thank you for the opportunity to serve the city of Rockland. The Commission looks forward to the joint meeting with the City Council, REDAC and Planning to discuss the DT and TAAOZ district standards.

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #30
IN CITY COUNCIL**

September 8, 2014

ORDINANCE AMENDMENT: Municipal Use of Pesticides and Herbicides

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 13, Parks and Trees, BE AMENDED AS FOLLOWS:

ADD:

ARTICLE IV Pesticide / Herbicide Usage on City-Owned Lands

Sec. 13-401 Purpose

The purpose of this chapter is to safeguard the health and welfare of the residents of the City of Rockland and to conserve and protect the City's ground water, estuarine, marine and other natural resources, while ensuring preservation and enhancement of City-owned lands.

Sec. 13-402 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Natural, organic land care: An extension of the principles and practices of organic agriculture to the care of turf and landscape.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and any nitrogen stabilizer. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency ("USEPA"). Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Sludge: As defined in 38 M.R.S. § 1303-C (28-A), as amended from time to time.

City-Owned Land: All land owned or leased by the City of Rockland and/or managed by or on behalf of the City, including outdoor grounds such as municipal facilities and lawns, parks, playing fields, cemeteries, the City Forest, and conservation and open space.

Pest: Any undesirable insect, plant, fungi, bacteria, virus or micro-organism.

Sec. 13-403 Permitted and Prohibited Uses of Pesticides / Herbicides.

The following provisions shall be applicable to all turf and landscape for outdoor pest management activities on City-owned land.

A. Permitted Uses:

- (1) Use or application of natural, organic land care protocols;
- (2) All control products and soil amendments, including fertilizer and compost, used under the terms of this article shall be in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association Certified Farms, and/or products permitted by the Organic Materials Review Institute or the USDA National Organic Program; and
- (3) Use or application of sludge or sludge-derived products to the extent permitted by the Maine Hazardous Waste, Septage and Solid Waste Management Act (38 M.R.S. §§ 1301, et seq.), the Protection of Natural Resources Act (38 M.R.S. §§ 480-A, et seq.), or the Site Location of Development Act (38 M.R.S. §§ 481, et seq.), and any rules related thereto, as amended from time to time.

B. Prohibited Uses:

- (1) Use or application of chemical pesticides, other than pesticides classified by the USEPA as exempt materials under 40 CFR 152.25, and those products permitted by the Organic Materials Review Institute; and
- (2) Use or application of sludge or sludge-derived products not listed as permitted above.

Sec. 13-404 Exemptions

The following processes are exempt:

1. Drinking water and wastewater treatment;
2. Indoor pesticide use;
3. Contained baits or traps for rodent control;
4. Use of pesticides classified by USEPA as exempt materials under 40 C.F.R. 152.25;
5. Pesticides permitted by the Organic Materials Review Institute;
6. Management of City-owned land not used or used infrequently by the public (roadway medians, for example);
7. Pesticide applications by owners or tenants of residential properties on landscaped areas within municipal rights-of-way;
8. Pesticide applications on City-owned land to control vermin or other infestations, which applications are, in the discretion of the City Manager, reasonably necessary to prevent the spread of such infestations or to protect the public health;

9. Control of poisonous or rapidly invasive plant species injurious to human health or the environment, using the least toxic product in accordance with USEPA protocols under 40 C.F.R. 152.5, the Maine Code of Regulations, Titles 7 and 22: "Use of Pesticides," and the *Best Management Practices for the Application of Turf Pesticides and Fertilizers* of the Maine Board of Pesticide Control.

Sec. 13-405 Emergency waiver

If the City Manager, applying the criteria set forth below, finds that there exists an emergency situation, the Code Enforcement Officer may, upon written request, grant a thirty (30) day temporary waiver authorizing of non-exempt pesticide(s). The waiver may be extended, but in no event shall the total waiver period exceed six (6) months. Waiver approval shall be subject to the use of the least toxic material available to address the given emergency. The presence of weeds or common fungal diseases in the usual course of turf maintenance shall not constitute an emergency.

The waiver determination shall be based on the following criteria:

A. The pest situation presents:

- (1) An immediate threat to human health or environmental quality; or
- (2) An immediate threat of substantial property damage or loss; and

B. Viable alternatives consistent with this article do not exist.

Sec. 13-406 Enforcement and permits

Except with respect to the conduct of City of Rockland employees, this Article shall be enforced by the Code Enforcement Officer, in accordance with the provisions governing the enforcement of the property maintenance code set forth in Chapter 4. The City Manager shall be responsible for assuring compliance by City of Rockland employees with the provisions of this Article.

Sec. 13-407 Conflict and invalidity

If a conflict or inconsistency is found between this Article and other sections of the City Charter or Code of Ordinances, the terms of the stricter provision(s) shall prevail. The invalidity of a provision of this Article shall not invalidate any other provision of this article.

State Law Ref.: 30-A M.R.S. § 3001; 22 M.R.S. § 1471-U; 38 M.R.S. § 1310-U.

First Reading 9/8/14
 First Publication 9/18/14
 Public Hearing 10/15/14
 Final Passage _____
 Second Publication _____
 Effective Date _____

Sponsor: Councilor Dickerson
 Originator: Councilor Dickerson

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #31

IN CITY COUNCIL

October 15, 2014

ORDINANCE AMENDMENT – Second-Hand Merchants

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, ARTICLE II, Licenses, BE AMENDED AS FOLLOWS:

Sec. 11-215 Second-Hand Merchants; Pawnbrokers

1. License Required. No person shall engage ~~principally~~ in the business or occupation of dealing in second-hand or used personal property, or in the business of a pawnbroker (collectively, a “second-hand dealer” as hereinafter defined), without first obtaining a license therefor. ~~No such licenses shall be granted except upon certification of the Police Chief and the Fire Chief. No licensee shall purchase or receive any article (a) from any person under the age of seventeen (17) years, without the written consent of parent or guardian, or (b) from any person known or suspected to be a thief or a receiver of stolen property. Every licensee shall keep a record of all persons with whom he does business and of all property coming into his possession together with a record of the disposition of each article, which record shall be kept available for examination by any City official.~~

2. Definitions. The following words and phrases shall have the assigned meaning(s) for the purposes of this section; words and phrases not herein or in applicable state law shall have their common and ordinary meanings.

A. Pawnbroker. “Pawnbroker” means a person who engages in pawn transactions.

B. Pawn transaction. “Pawn Transaction” means the lending of money on the security of pledged tangible personal property that is delivered to and/or held by a pawnbroker, including the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

C. Second-Hand Dealer. “Second-Hand Dealer” means and includes any person, partnership, firm, or corporation whose business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property, but does not mean or include a coin dealer, participants at gun shows or events as defined in of Title 27, Code of Federal Regulations, Section 478.100, as amended who are not gun show traders, any person who performs the services of an auctioneer for a fee or salary.

D. Tangible personal property. "Tangible personal property" means personal property that may be seen, weighed, measured, felt, touched or in any other manner perceived by the senses, including computer software that is not a custom computer software program, and motor vehicles. "Tangible personal property" does not include checks, draughts, or similar financial instruments; rights and credits, insurance policies, bills of exchange, stocks and bonds and similar evidences of indebtedness or ownership; or real estate.

3. Application. Application for such license shall be made upon a form provided by the City Clerk which, among other information, shall elicit the applicant's name, business and home addressed, phone numbers, e-mail address, and date of birth. Where the applicant is a business entity, the same information shall be required for each principal of said entity. The fee for such application shall be established by Order of the City Council, is due at the time of application, and may not be refunded if denied. If granted, such license shall expire one (1) year from the date of issuance.

4. Review. No license shall be granted by the City Clerk under this Section until and unless the Police Chief and Fire Chief shall have investigated the applicant in accordance with the requirements of State law. The Police Chief shall determine whether or not the applicant or principals of the applicant have any criminal record, and may condition or disapprove the grant of a license to such applicant on the basis of such investigation and the extent to which such prior criminal conduct included any theft, robbery, or receipt of stolen goods; endangered public safety; and/or involved dishonesty or other disregard for the truth.

5. Records of Sales. Pursuant to 30-A M.R.S. § 3971, every second-hand dealer, upon acquisition of any second-hand or used article either by purchase or exchange, shall complete a record of the transaction, on a form furnished or approved by the Police Chief, stating the full name and address of the seller, the month, date and year on which the transaction took place, and a full and detailed description of each article(s) purchased or exchanged, and the price(s) paid therefor, and shall cause such record to be signed by the seller in person. Before recording this information, the secondhand dealer shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license, military identification, adult liquor identification or similar item. The relevant information in the record shall be electronically or otherwise reported to the Police Chief or his/her designee within forty-eight (48) hours thereafter, unless earlier electronically reported to a duly authorized police officer upon request. The second-hand dealer shall retain the record in his or her possession for a period of not less than two (2) years, during which time the record may be inspected at any and all reasonable times by any police officer.

6. Hold Period. No second-hand or used article acquired by a second-hand dealer may be re-sold or otherwise disposed of, or changed or altered in its appearance or otherwise, within fifteen (15) days after its purchase, except with the prior, written consent of the Police Chief or his/her designee; provided, however, that this fifteen (15) day hold period shall not apply to

bullion oriented gold, silver, platinum or palladium coins or bars. The Police Chief may impose reasonable conditions upon granting such consent.

7. **Minors.** No second-hand dealer may directly or indirectly purchase or receive by way of barter or exchange any goods or articles from any person such dealer knows or has reason to believe to be under the age of 18, unless the minor is accompanied by his or her parent or guardian.

8. **Compliance With State Law.** In addition to the requirements set forth in this Section, second-hand dealers and pawnbrokers shall fully comply with the requirements set forth in Title 30-A, Maine Revised Statutes, Section 3971, as may be amended.

Sponsor: Mayor Pritchett
Originator: Police Chief

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #32
IN CITY COUNCIL**

October 15, 2014

ORDINANCE AMENDMENT Adopting Updated NFPA Codes

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 4, Buildings, Inspections and Enforcement, ARTICLE II, Fire Prevention and Life Safety, SECTION 4-201, Adopting of Fire Prevention Code; Amendments, AND SECTION 4-202, Adoption of Life Safety Code; Amendments, BE AMENDED AS FOLLOWS:

ARTICLE II Fire Prevention & Life Safety

Sec. 4-201 Adoption of Fire Prevention Code; Amendments

1. **Adoption.** Pursuant to Title 30-A, Maine Revised Statutes, Section 3003, as amended, and subject to the limitations set forth in Section 4-302(B) below, the National Fire Protection Association (“NFPA”) 1, ~~2009~~ 2012 Edition, is hereby referred to and adopted as the Fire Prevention Code of the City of Rockland, Maine, establishing the minimum standards for the conditions and equipment in buildings that affect fire prevention and suppression measures; and each and all of the regulations of the NFPA 1 Fire Prevention Code, ~~2006~~ 2012 Edition, and other regulations NFPA 1 incorporates, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article. One copy of the Fire Prevention Code shall be on file and available to the public for its use, inspection, and examination in the offices of the Fire Chief and Code Enforcement Officer of the City of Rockland.
State Law References: 30-A M.R.S. § 3003; 25 M.R.S. §§ 2351, et seq.

2. **Amendments.** The Rockland Fire Prevention Code is amended as set forth in the regulations of the Department of Public Safety, Title 16, Code of Maine Regulations, Part 219 – Office of the State Fire Marshal, Chapter 3 – Fire Prevention Code.

Sec. 4-202 Adoption of Life Safety Code; Amendments

A. **Adoption.** Pursuant to Title 30-A, Maine Revised Statutes, Section 3003, as amended, and subject to the limitations set forth in Section 4-402(B) below, the National Fire Protection Association (“NFPA”) 101, ~~2009~~ 2012 Edition, is hereby referred to and adopted as the Life Safety Code of the City of Rockland, Maine, establishing the minimum standards for the conditions and equipment in buildings, except one- and two-family dwellings, that protect the safety of inhabitants and firefighters in the event of a fire; and each and all of the regulations of the NFPA 101 Life Safety Code, ~~2009~~ 2012 Edition, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article. One copy of the Life Safety Code shall be on file and available to the public for its use, inspection, and examination in the offices of the Fire Chief and Code Enforcement Officer of the City of Rockland.
State Law References: 30-A M.R.S. § 3003; 25 M.R.S. §§ 2351, et seq.

Sponsor: Councilor Isganitis
Originator: Acting Fire Chief Miceli

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

October 15, 2014

ORDINANCE AMENDMENT: General Assistance – Maximum Levels of Assistance

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 8, General Assistance, SECTION 8-708, Maximum Levels of Assistance, BE AMENDED AS FOLLOWS:

Section 8-708—Basic Necessities; Maximum Levels of Assistance

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. If and when the maximum levels of housing contained in this ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the Department of Human Services, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

The maximum amounts allowed for housing are:

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	\$128	\$552	\$150 <u>\$151</u>	\$647 <u>\$649</u>
1	\$128	\$552	\$150 <u>\$151</u>	\$643 <u>\$649</u>
2	\$150	\$645	\$186	\$798 <u>\$799</u>
3	\$197	\$846	\$240 <u>\$204</u>	\$1032
4	\$209	\$899	\$252 <u>\$272</u>	\$1083 <u>1168</u>

* * * * *

Electricity Maximums for Households Without Electric Hot Water. The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$82.50 <u>\$86.00</u>
5	\$21.00 <u>\$23.10</u>	\$90.00 <u>\$99.00</u>
6	\$22.70 <u>\$25.00</u>	\$97.50 <u>\$107.00</u>

*Add \$7.50 a month for each additional family member.

Electricity Maximums for Households that Use Electrically Heated Hot Water. The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

<u>Number in Household</u>	<u>Weekly</u>		<u>Monthly</u>	
1	\$16.30	<u>\$19.10</u>	\$70.00	<u>\$82.00</u>
2	\$18.60	<u>\$23.75</u>	\$80.00	<u>\$102.00</u>
3	\$21.00	<u>\$27.70</u>	\$90.00	<u>\$119.00</u>
4	\$23.30	<u>\$32.25</u>	\$100.00	<u>\$139.00</u>
5	\$25.60	<u>\$37.30</u>	\$110.00	<u>\$160.00</u>
6	\$27.90	<u>\$41.00</u>	\$120.00	<u>\$176.00</u>

*Add \$10.00 for each additional family member.

Note: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum amount for fuel as provided below.

Sponsor: City Council
 Originator: General Assistance Director

CITY OF ROCKLAND, MAINE

ORDER #82

IN CITY COUNCIL

October 15, 2014

ORDER Authorizing Police Mutual Assistance Agreement – Rockport

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into the Police Mutual Assistance Agreement with the Town of Rockport, substantially in conformance with said agreement attached hereto, for Police mutual aid in the Town of Rockport.

Sponsor: City Manager
Originator: Police Chief

**TOWN OF ROCKPORT – CITY OF ROCKLAND
POLICE MUTUAL ASSISTANCE AGREEMENT**

AGREEMENT made this ____ day of October 2014, by and between the undersigned municipalities.

WITNESSETH

WHEREAS, 30-A M.R.S. § 2674 authorizes the assignment of police officers from one municipality to another to assist with police activities; and

WHEREAS, the undersigned municipalities wish to provide mutual assistance to one another, on a short-term, emergency basis; and

WHEREAS, said municipalities agree that Rockland police officers should have authority to exercise police powers when present at the Pen Bay Medical Center in their official capacities, and that Rockport and Rockland should have explicit mutual aid authority for the purpose of enhancing the protection of the public in both communities, in the limited circumstances set forth herein,

NOW, THEREFORE, the parties do hereby agree as follows:

1. DEFINITIONS

REQUESTING MUNICIPALITY: The municipality which is asking another municipality to provide police assistance.

RESPONDING MUNICIPALITY: The municipality which is asked to provide another municipality with police assistance.

2. ASSIGNMENTS

2.1. **Mutual Aid Response.** Rockport and Rockland each agree to serve as a **RESPONDING MUNICIPALITY** and to assign one or more officers to provide police services on a temporary, short-term basis within the **REQUESTING MUNICIPALITY** when requested to do so by the **REQUESTING MUNICIPALITY**. The specific individual(s) to be assigned are to be determined by the **RESPONDING MUNICIPALITY**. Such temporary assignments shall not exceed 24 hours except by the specific written agreement of the Chiefs of Police or highest ranking on-duty officers of each municipality.

2.2 Mutual Aid Response assignments shall be made only if the Chief of Police or highest ranking on-duty officer of the **RESPONDING MUNICIPALITY** determines in his or her sole discretion that the **RESPONDING MUNICIPALITY** has adequate personnel available.

2.3 Requests for a Mutual Aid Response shall be made only when the **REQUESTING**

MUNICIPALITY has exhausted or fully committed its available resources and personnel and/or when additional resources and/or personnel are required on an urgent basis to protect life or property, to maintain public order, to prevent the imminent commission of a criminal act or to prevent escape.

2.4 In no case will personnel or resources be transferred to the REQUESTING MUNICIPALITY without notification of the communication center of the agency giving the assistance. Such notification will be documented by the communications center.

2.5 Only law enforcement officers who satisfy the certification and qualification requirements of 25 M.R.S. § 2804-B or § 2804-C shall have the authority to cross the town line to provide mutual assistance.

3. EMPLOYER-EMPLOYEE RELATIONSHIP RETAINED

The RESPONDING MUNICIPALITY shall be the sole and exclusive employer of persons assigned hereunder; persons assigned hereunder are not intended, nor shall they be deemed, to be employees of the REQUESTING MUNICIPALITY as a result of said assignment. In addition, nothing herein shall be construed to create a joint employer relationship between the REQUESTING MUNICIPALITY and the RESPONDING MUNICIPALITY. The RESPONDING MUNICIPALITY retains all of the legal responsibilities of the employer-employee relationship while its officer(s) are on assignment in the REQUESTING MUNICIPALITY, including, without limitation, authority for all personnel issues, disciplinary actions and grievance procedures regarding its employees.

Police officers assigned hereunder shall be paid by their employer their wages and fringe benefits and shall accrue benefits in the customary manner. No overtime work shall be permitted by officers while on assignment, unless approved the RESPONDING MUNICIPALITY.

4. LIABILITY TO THIRD PARTIES

The RESPONDING MUNICIPALITY and the REQUESTING MUNICIPALITY shall each assume its own liability to a third party, except for liability arising out of the command or operational decisions made by the REQUESTING MUNICIPALITY, which must be assumed by the REQUESTING MUNICIPALITY.

In any case or claim in which RESPONDING MUNICIPALITY, or its officers or employees, is a party, an admission of liability on the part of the RESPONDING MUNICIPALITY, its officers or employees, shall be included in a settlement agreement only with the consent of the RESPONDING MUNICIPALITY, which consent shall not be unreasonably withheld.

The RESPONDING MUNICIPALITY shall be fully responsible for all workers compensation coverage for its officers or employees hereunder and the RESPONDING MUNICIPALITY hereby waives any right of subrogation or lien pursuant to 39-A M.R.S. § 107

against the REQUESTING MUNICIPALITY, its officers or employees, arising out of or resulting from said workers compensation claims.

Each municipality shall maintain adequate insurance coverage for personal injury and death of personnel acting pursuant to this Agreement and shall maintain liability coverage in an amount of not less than four hundred thousand dollars (\$400,000).

5. VEHICLES AND EQUIPMENT

All equipment, including vehicles, utilized in a mutual assistance situation shall be operated with reasonable care and within the limitation of state law.

The REQUESTING MUNICIPALITY shall assume financial and insurance liability for equipment that is left in the exclusive care of or being operated exclusively by an officer of the REQUESTING MUNICIPALITY. Such liability shall cover repair or replacement of equipment as determined by the RESPONDING MUNICIPALITY.

6. COMMAND AND AUTHORITY

All persons assigned hereunder shall be subject to the direction and control of the command officers in the REQUESTING MUNICIPALITY for the duration of said assignments.

The Police Chief or highest ranking on duty officer of the RESPONDING MUNICIPALITY shall continue to maintain the authority to partially or completely withdraw such assistance.

While providing mutual assistance, the officers of a RESPONDING MUNICIPALITY shall have the same powers, duties and authority as the law enforcement officers of the requesting agency. When participating in mutual assistance, the officers of the RESPONDING MUNICIPALITY shall defer to all direction of the supervisory officer of the REQUESTING MUNICIPALITY.

7. PEN BAY MEDICAL CENTER, ROCKPORT

Rockport hereby requests on a continuing basis, and Rockland agrees on a continuing basis, that Rockland shall have temporary RESPONDING MUNICIPALITY status when any Rockland police officer is present in an official capacity at the Pen Bay Medical Center in Rockport for the purpose of securing medical care for any detainee, witness or other injured person. In such circumstances, however, the powers of the Rockland police officer shall be limited to (i) detaining or protecting said person and (ii) maintaining the peace while such Rockland police officer remains on the premises of, or en route to or from, the Pen Bay Medical Center or any facility on the Pen Bay Medical Center campus. While acting pursuant of the provisions of this paragraph 7, the Rockland police officer shall remain under the command of the Rockland Police Department notwithstanding the provisions of paragraph 6; shall in all respects remain an employee of that Department; shall notify the Rockport Police Department dispatch of his/her presence at Pen Bay Medical Center; and shall exercise the authority granted

under this paragraph 7 as circumstances dictate. The City of Rockland shall be liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to the Rockland police officer acting pursuant to his paragraph 7. The sources of the authority conferred and limited by this paragraph 7 are 30-A M.R.S. § 2674 and 30-A M.R.S. § 2671(2-A).

8. TERMINATION, REVIEW AND AMENDMENT

This Agreement shall remain in effect for a period of three (3) years, until July 1, 2017, or until earlier terminated by either municipality upon thirty (30) days written notice to the other municipality.

This Agreement shall be reviewed and evaluated annually by each municipality. Statistical data relative to the nature and frequency of assistance requested and/or provided under this agreement shall be part of the review.

This Agreement may be amended only with the approval of the municipal officers of each municipality.

IN WITNESS WHEREOF, the undersigned municipalities have caused this Agreement to be signed by their authorized representatives, as of the day and year first above written.

WITNESS

TOWN OF ROCKPORT

Print: _____

By: Richard C. Bates
Its: Town Manager

WITNESS

CITY OF ROCKLAND

Print: _____

By: Thomas J. Luttrell
Its: Acting 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



Thomas J. Lutfrell
Finance Director

MEMO

TO: Mayor Pritchett
City Councilors

October 10, 2014

RE: Order #83 – Sandy Beach Parking

Wednesday night you will be voting on using up to \$11,000 for the installation of city owned cobblestones in the Sandy Beach Parking Lot. I have spoken with Public Works Director Greg Blackwell to make sure I understand what the quote covers.

The \$11,000 will only cover the labor to install the cobblestones in the 9 spaces north of the handicap parking area. This will take approximately 4,000 cobblestones with the rough side exposed.

The quote excludes:

1. New Cobblestones
2. New Gravel Base
3. New Parking Bricks

CITY OF ROCKLAND, MAINE

ORDER #84

IN CITY COUNCIL

October 15, 2014

ORDER Authorizing Fee Waiver – Use of Recreation Center

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the fees associated with use of the Recreation Center for the “Do You See Me” Project, for an event to be held on October 18, 2014 to raise awareness of homelessness and food insecurities in the Mid-Coast area, are hereby waived.

Sponsor: Councilor Hebert
Originator: Project Coordinator

Rockland Map

⁴⁵⁰
46C7
117 PARK STREET
0.62

⁴⁵⁰
46C7-1
109 PARK STREET
0.11

46C6
40 BROAD STREET
0.94

40

PARK STREET

⁴⁵⁰
46E1
118 PARK STREET
1.30

⁴⁵⁰
46D1
31 LISLE STREET
0.25

46D2
⁴⁵⁰ 104 PARK STREET
0.57

LISLE

47B1
129 BROADWAY
0.16

46D4
27 LISLE STREET
0.16
⁴⁰

46D5
20 BROAD STREET
0.27
⁴⁰



CURRENT OWNER	TOPQ	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT
ROCKLAND, CITY OF	4 Rolling		1 Paved	1 Urban	Description Code 9030
270 PLEASANT STREET			6 Sidewalk		Appraised Value 73,500
ROCKLAND, ME 04841					Assessed Value 73,500
Additional Owners:					73,500

RECORD OF OWNERSHIP	SALE DATE	SALE PRICE	P.C.	PREVIOUS ASSESSMENTS (HISTORY)
ROCKLAND, CITY OF	12/29/1999	53,500	2H	Yr. Code 9030
WALEN, HOWARD A.	10/08/1987	55,200	2A	2014
WALEN, HOWARD A. & MARIAN	10/25/1976		2H	
CONNELL, ROBERT SR.	05/19/1970		2H	
ROCKLAND REFRIGERATION CO INC	01/31/1963		2H	
FIRST NATIONAL BANK OF ROCKLAND	02/06/1956		2H	
Total:				73,500

EXEMPTIONS	Amount	Code	Description	Number	Amount	Comm. Int.
ASSESSING NEIGHBORHOOD						
NBHD/SUB			Tracing			
0001/A						
NOTES						
BLDG RAZED 8/2001						

Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.
APPRAISED VALUE SUMMARY								
							Appraised Bldg. Value (Card)	0
							Appraised XF (B) Value (Bldg)	0
							Appraised OB (L) Value (Bldg)	0
							Appraised Land Value (Bldg)	73,500
							Special Land Value	0
							Total Appraised Parcel Value	73,500
							Valuation Method:	C
							Exemptions	0
							Adjustment:	0
							Net Total Appraised Parcel Value	73,500

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comn.	Date Comp.	Comments	Date	Type	IS	ID	Ct.	Purpose/Result
PB06-04	06/01/2006	PB	Planning Board	0		100	06/01/2006	PRODUCE MARKET T04/28/2005				LR	99	Vacant Land

B Use	Use	Zone	Front	Depth	Units	Unit Price	I. Factor	Acres	C. Factor	ST. Idx	Adj.	Notes-Adj	Special Pricing	S Adj	Unit Price	Land Value	
1	903V	City of Rockland 00			10,766	SF	2.73	1.0000	5	1.0000	1.00	450	2.50		1.00	6.83	73,500

LANDLINE EVALUATION SECTION																
BUILDING PERMIT RECORD										VISIT/CHANGE HISTORY						
Total Card Land Units: 0.25 AC Parcel Total Land Area: 0.25 AC																

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Total Card Land Units: 0.25 AC Parcel Total Land Area: 0.25 AC																

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