

REGULAR MEETING

AGENDA

November 10, 2014

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum
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: None
8. Resolves:
 - #40 Accepting Donation – Coastal Opportunities City Council
 - #41 Appointment – EDAC Mayor Pritchett
 - #42 Appointment of City Manager Search Committee Mayor Pritchett
9. Ordinances in Final Reading and Public Hearing:
 - #28 Chapter 19, Section 19-304 DT Zone Res. Uses (Postponed) Councilor Isganitis
 - #31 Chapter 11, Section 11-215 2nd Hand Merchants; Pawn Brokers Mayor Pritchett
 - #32 Chapter 4, Sections 4-201 & 4-202 Adopting NFPA Codes Councilor Isganitis
 - #33 Chapter 8, Section 8-708 GA – Max Levels of Assistances City Council
10. Ordinances in First Reading:
 - #34 Reconveyance of 20 Acadia Drive City Council
 - #35 Reconveyance of 63 Warren Street City Council
 - #36 Chapter 19, Section 19-304 Com. Corridor Overlay Zone Councilor Isganitis
 - #37 Zoning Map Amendment – Com. Corridor Overlay Zone Councilor Isganitis
 - #38 Ch. 19, Secs. 19-302 & 19-304 Adult Ent. Establishments Councilor MacLellan-Ruf
 - #39 Ch. 11, Art. XII Licensing of Adult Ent. Establishments Councilor MacLellan-Ruf
11. Orders:
 - #86 Accepting 2014 CDBG Home Repair Network Grant City Manager
 - #87 Accepting Forfeited Assets City Manager
 - #88 Use of City Property/Fee Waiver – 2014 Holiday Celebrations City Council
 - #89 Authorizing RFP – Place Making Codes for Com. Corridors City Council
 - #90 Authorizing Expenditure from Reserve – Pump Station Repairs City Manager
 - #91 Adopting FY 2015/2016 City Council Work Plan City Council
12. Adjournment.

CITY OF ROCKLAND, MAINE

RESOLVE #40

IN CITY COUNCIL

November 10, 2014

RESOLVE Accepting Donation – Coastal Opportunities

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation from Coastal Opportunities of \$300.00 to help offset the cost of municipal services provided by the City.

AND that a letter of thanks be sent to Coastal Opportunities for its generous donation.

Sponsor: City Council
Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE #41

IN CITY COUNCIL

November 10, 2014

RESOLVE Appointment to Economic Development Advisory Committee

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the appointment by the Mayor of John Jeffers, 15 Tea Street, to the Economic Development Advisory Committee, to fill a vacancy on that Committee is hereby confirmed. Mr. Jeffers shall serve until that term expires in 2015.

Sponsor: Mayor Pritchett

Originator: Mayor Pritchett

CITY OF ROCKLAND, MAINE

RESOLVE #42

IN CITY COUNCIL

November 10, 2014

RESOLVE Appointing City Manager Search Committee

WHEREAS, the Rockland City Council formally began the search and recruitment process for a new City Manager on September 26th by developing a candidate profile that identified leadership and management skills a new manager should possess to meet the challenges and opportunities facing Rockland; and

WHEREAS, Dacri Associates has been reaching out to potential candidates for the City Manager position on behalf of the City and the City Manager position has been advertised locally, regionally and nationally since October 6th; and

WHEREAS, interviews for the position of City Manager are likely to begin on either November 17th or December 1st;

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

THAT, a City Manager Search Committee comprised of William Clayton, Eric Hebert, Valli Geiger, Frank Isganitis, Louise MacLellan-Ruf, and Larry Pritchett is appointed, and

THAT, Larry Pritchett is appointed acting Search Committee chair for the purposes of scheduling meetings until the committee can meet and elect a chair from among its members.

Sponsor: Mayor Pritchett
Originator: Mayor Pritchett

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

Postponed prior to Public Hearing 10/15/14 to 11/10/14

First Reading 9/8/14

First Publication 9/18/14

Public Hearing 10/15/14

Final Passage _____

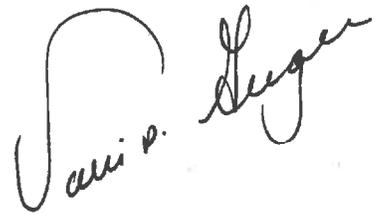
Second Publication _____

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.

COUNCILOR HEBERT'S PROPOSED AMENDMENT:

(1) Permitted Uses

(a) Congregate housing and other residential uses; ~~except provided, however, that on parcels abutting Main, Union, Limerock, *School Museum. Orient. Oak*, Park, Pleasant, Winter, and Commercial Streets, Tillson Avenue, *Kimball Lane*, 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 ~~s~~Single-family dwellings may only be repaired or rebuilt as provided at Section 19-308;

COUNCILOR ISGANITIS' PROPOSED AMENDMENT:

(1) Permitted Uses

(a) Congregate housing and other residential uses, except that dwellings shall not be located in first floor units with Main Street frontage; ~~first floor units of 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 ~~s~~Single family dwellings may only be repaired or rebuilt as provided at Section 19-308;

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

First Reading 10/15/14
First Publication 10/23/14
Public Hearing 11/10/14
Final Passage _____
Second Publication _____
Effective Date _____

**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.

First Reading 10/15/14
First Publication 10/23/14
Public Hearing 11/10/14
Final Passage _____
Second Publication _____
Effective Date _____

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 | \$19.10 | \$70.00 | \$82.00 |
| 2 | \$18.60 | \$23.75 | \$80.00 | \$102.00 |
| 3 | \$21.00 | \$27.70 | \$90.00 | \$119.00 |
| 4 | \$23.30 | \$32.25 | \$100.00 | \$139.00 |
| 5 | \$25.60 | \$37.30 | \$110.00 | \$160.00 |
| 6 | \$27.90 | \$41.00 | \$120.00 | \$176.00 |

*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

First Reading 10/15/14
 First Publication 10/23/14
 Public Hearing 11/10/14
 Final Passage _____
 Second Publication _____
 Effective Date _____

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

November 10, 2014

ORDINANCE AMENDMENT Authorizing a Municipal Quitclaim Deed – 20 Katahdin Ave.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized, on behalf of the City, to issue a municipal quitclaim deed to JPMorgan Chase Bank, National Association for property located at 20 Katahdin Avenue, as shown on Rockland Tax Map #71-C-9, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If JPMorgan Chase Bank, National Association fails to sign the Reconveyance Agreement and comply with its requirements by March 6, 2015, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council
Originator: City Manager

RECONVEYANCE AGREEMENT
20 Katahdin Avenue (Tax Map 71-C-9)

The City of Rockland (the "City") and **JPMorgan Chase Bank, National Association** (the "Grantee") hereby agree to the City's reconveyance of real property and fixtures located at **20 Katahdin Avenue** in the City of Rockland, County of Knox, and State of Maine, Rockland Tax Map 71, Block C, Lot 9 (the "Premises"), pursuant to the City of Rockland Code of Ordinances ("Rockland Code"), Chapter 2, Article V, Section 2-509(15) as follows:

WHEREAS, on February 15, 2013, the City filed a Certificate of Sewer Lien on the Knox County Registry of Deeds in Book 4630, Page 173, to secure the payment of overdue sewer charges, pursuant to 30-A M.R.S. § 5405(2) and 38 M.R.S. § 1208;

WHEREAS, on August 15, 2014, any equitable right the Grantee or its predecessor(s) in title may have had to redeem title to the Premises by paying the overdue sewer charges expired, and title to the Premises passed to the City of Rockland pursuant to 38 M.R.S. § 1208;

WHEREAS, Maine law and Section 2-509(15) of the Rockland Code authorizes the City Council to convey property acquired by statutory lien foreclosure; and

WHEREAS, on December 8, 2014, the City Council authorized the City Manager to enter into this Reconveyance Agreement and, upon the effective date of Ordinance Amendment #2014-34, to issue a quitclaim deed to the Grantee or its assign for the Premises;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements herein, the parties hereto agree as follows:

1. Payment of Delinquent And New Sewer Charges. Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, by no later than **March 6, 2015** (the "Closing Date") pay or cause to be paid to the City of Rockland all delinquent water and sewer charges for the Premises, and associated lien and service costs, and all water and sewer charges incurred by the City for the Premises, in the amount of **\$799.29 (as of September 15, 2014)**, together with interest accrued on unpaid charges thereafter, at the rate of *7% per annum*, and together with any and all additional charges incurred or billed on or after September 15, 2014, through the Closing Date;

2. Payment of Delinquent Real Estate Taxes. Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, no later than the Closing Date pay to the City of Rockland all delinquent real estate taxes on the Premises, as follows:

FY 2014: \$1,608.77

3. Insurance. The Grantee shall pay or cause to be paid to the City the actual cost to insure the Premises during the period of its ownership, in the amount of \$_____, on or before the Closing Date;

4. Document Preparation Fee. The Grantee shall pay or cause to be paid to the City the \$150 document preparation fee imposed by Rockland Code, Ch. 2, Art. V, Sec. 2-509(17) on or before the Closing Date;

5. Registry Filing Fee. Grantee shall pay to the City the actual cost to the City for all filing fees imposed by the Knox County Registry of Deeds, if any, for the filing of the Quit Claim Deed issued by the City upon full compliance by the Grantee with the requirements of this Reconveyance Agreement, and of any other document or discharge triggered thereby;

6. Repairs. Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(4), the Former Owner shall effect the following repairs of Property Maintenance or other Code violations at the Premises, on or before the Closing Date unless otherwise stated below:

- A. Replace roof shingles and any deteriorated sheathing;
- B. Retain a qualified professional to inspect the premises for mold, and remediate as recommended;
- C. Repair and render the heating system functional; and
- D. Submit a compliance agreement acceptable to the City for the repair and/or correction of all remaining code deficiencies at the premises, whether identified by the Code Enforcement Officer in the Inspection Report attached and incorporated herein as Exhibit A, or otherwise.

Grantee may make said repairs after the Closing Date, provided, however, that prior to the Closing Date, Grantee shall submit evidence acceptable to the City that Grantee has sufficient capacity to perform the repairs required under this paragraph, and a performance guarantee in an amount and in a form acceptable to the City Manager to guarantee performance of the repairs identified in paragraphs 6(A), (B), and (C) prior to Grantee's sale or other disposition of the premises.

All repairs undertaken in compliance with this paragraph and applicable codes shall be performed by qualified personnel, who have sufficient liability insurance and/or other security to protect the value of the Property, and to compensate the owner in the event of, damage during the course of description. All such repairs are subject to inspection and approval by the Code Enforcement Officer. Neither this Agreement, nor compliance with this paragraph, shall relieve the Grantee and/or any subsequent owner of the obligation to repair all code issues identified by the Code Enforcement Officer upon inspection, including subsequent inspections, and to fully comply with the Property Maintenance Code and other codes as may be applicable following the reconveyance of the Premises;

7. Reconveyance. The City shall release to the Grantee or its assign the City's right, title, and interest in the Premises, without warranty or covenant, upon the payment and/or performance of the charges, fees, interest, other payments, and repairs required by this Agreement within the applicable deadline(s);

8. Extension. The City Manager may extend the Closing Date, for cause, but for no longer than sixty (60) days and/or later than March 31, 2015, whichever first occurs;

9. Representations; Indemnification. The undersigned represents that it is a mortgage lien holder encumbering the Premises, and that it is authorized to perform the undertakings set forth in this Agreement and to accept the City's release deed to the Premises. The Grantee shall defend, indemnify, and hold the City of Rockland harmless from any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from or in connection with the occupancy, maintenance, and repair of the Premises by the Grantee's guest(s), invitee(s), or permittee(s), or by any trespasser(s), during the period of the City's ownership of the Premises;

10. Remedies.

A. City of Rockland's Remedies. In the event that the Grantee shall fail to perform any term, condition, or obligation set forth in this Agreement within the deadline imposed therefor, the City shall not be obligated to reconvey the Premises to the Grantee, may sell and convey the Premises to another party, and shall not be obligated to repay any payment or partial payment made by or on behalf of the Grantee to the City; provided, however, that if the City shall sell the Premises within one year of the effective date of this Agreement, the City shall repay to Grantee any payment by or on behalf of the Grantee to the City for taxes, sewer charges, finance charges, insurance coverage, or document preparation to the extent the proceeds of such sale of the Premises, less any real estate broker or agent fee or charge, transaction costs, and additional carrying costs incurred by the City, permit.

B. Grantee's Remedies. In the event that the Grantee shall sign this Agreement and fully perform all obligations imposed herein, and the City of Rockland shall have authorized the reconveyance but fail to release its interest in the Premises for reasons other than a breach of this Agreement by the Grantee, or the destruction of the Premises, the City shall either reconvey the Premises to the Grantee, or pay to the Grantee any sums realized from the sale of the Premises, less any amounts owed to the City pursuant to this Agreement and/or incurred by the City with respect to the Premises. Notwithstanding anything to the contrary in this Agreement or in the ordinance amendment authorizing the reconveyance, the City shall not be obligated to reconvey the Premises to the Grantee in the event she and/or her guest(s) engage in any criminal activity at the Premises during the period of the City's ownership.

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

November 10, 2014

ORDINANCE AMENDMENT Authorizing a Municipal Quitclaim Deed – 63 Warren Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized, on behalf of the City, to issue a municipal quitclaim deed to the Heirs of Robert Richardson for property located at 63 Warren Street, as shown on Rockland Tax Map #25-A-15, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If the Heirs of Robert Richardson fail to sign the Reconveyance Agreement and comply with its requirements by March 6, 2015, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council
Originator: City Manager

RECONVEYANCE AGREEMENT
63 Warren Street (Tax Map 25-A-15)

The City of Rockland (the "City") and _____, in his/her capacity as **Personal Representative of the Estate of Robert W. Richardson** (the "Grantee") hereby agree to the City's reconveyance of real property and fixtures located at **63 Warren Street** in the City of Rockland, County of Knox, and State of Maine, Rockland Tax Map 25, Block A, Lot 15 (the "Premises"), pursuant to the City of Rockland Code of Ordinances ("Rockland Code"), Chapter 2, Article V, Section 2-509(15) as follows:

WHEREAS, on February 15, 2013, the City filed a Certificate of Sewer Lien on the Knox County Registry of Deeds in Book 4630, Page 201, to secure the payment of overdue sewer charges, pursuant to 30-A M.R.S. § 5405(2) and 38 M.R.S. § 1208;

WHEREAS, on August 15, 2014, any equitable right the Grantee may have had to redeem title to the Premises by paying the overdue sewer charges expired, and title to the Premises passed to the City of Rockland pursuant to 38 M.R.S. § 1208;

WHEREAS, Maine law and Section 2-509(15) of the Rockland Code authorizes the City Council to convey property acquired by statutory lien foreclosure; and

WHEREAS, on December 8, 2014, the City Council authorized the City Manager to enter into this Reconveyance Agreement and, upon the effective date of Ordinance Amendment #2014-35, to issue a quitclaim deed to the Grantee or its assign for the Premises;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements herein, the parties hereto agree as follows:

11. Payment of Delinquent And New Sewer Charges. Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, by no later than **March 6, 2015** (the "Closing Date") pay or cause to be paid to the City of Rockland all delinquent water and sewer charges for the Premises, and associated lien and service costs, and all water and sewer charges incurred by the City for the Premises, in the amount of **\$1,705.94 (as of September 15, 2014)**, together with interest accrued on unpaid charges thereafter, at the rate of *7% per annum*, and together with any and all additional charges incurred or billed on or after September 15, 2014, through the Closing Date;

12. Payment of Delinquent Real Estate Taxes. Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, no later than the Closing Date pay to the City of Rockland all delinquent real estate taxes on the Premises, as follows:

FY 2014: \$1,289.23

13. Insurance. The Grantee shall pay or cause to be paid to the City the actual cost to insure the Premises during the period of its ownership, in the amount of **\$100**, on or before the Closing Date;

14. Document Preparation Fee. The Grantee shall pay or cause to be paid to the City the \$150 document preparation fee imposed by Rockland Code, Ch. 2, Art. V, Sec. 2-509(17) on or before the Closing Date;

15. Registry Filing Fee. Grantee shall pay to the City the actual cost to the City for all filing fees imposed by the Knox County Registry of Deeds, if any, for the filing of the Quit Claim Deed issued by the City upon full compliance by the Grantee with the requirements of this Reconveyance Agreement, and of any other document or discharge triggered thereby;

16. Repairs. Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(4), the Former Owner shall effect the following repairs of Property Maintenance or other Code violations at the Premises, on or before the Closing Date unless otherwise stated below:

- A. remove and properly dispose of accumulated junk / personal belongings throughout the two-unit home and garage
- B. Submit a compliance agreement acceptable to the City for the repair and/or correction of all remaining code deficiencies at the premises, whether identified by the Code Enforcement Officer in the Inspection Report attached and incorporated herein as Exhibit A, or otherwise.

All repairs undertaken in compliance with this paragraph and applicable codes shall be performed by qualified personnel, who have sufficient liability insurance and/or other security to protect the value of the Premises, and to compensate the owner in the event of, damage during the course of description. All such repairs are subject to inspection and approval by the Code Enforcement Officer. Neither this Agreement, nor compliance with this paragraph, shall relieve the Grantee and/or any subsequent owner of the obligation to repair all code issues identified by the Code Enforcement Officer upon inspection, including subsequent inspections, and to fully comply with the Property Maintenance Code and other codes as may be applicable following the reconveyance of the Premises;

17. Reconveyance. The City shall release to the Grantee or its assign the City's right, title, and interest in the Premises, without warranty or covenant, upon the payment and/or performance of the charges, fees, interest, other payments, and repairs required by this Agreement within the applicable deadline(s);

18. Extension. The City Manager may extend the Closing Date, for cause, but for no longer than sixty (60) days and/or later than March 31, 2015, whichever first occurs;

19. Representations; Indemnification. The undersigned represents that it is a mortgage lien holder encumbering the Premises, and that it is authorized to perform the undertakings set forth in this Agreement and to accept the City's release deed to the Premises. The Grantee shall defend, indemnify, and hold the City of Rockland harmless from any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from or in connection with the occupancy, maintenance,

and repair of the Premises by the Grantee's guest(s), invitee(s), or permittee(s), or by any trespasser(s), during the period of the City's ownership of the Premises;

20. Remedies.

A. City of Rockland's Remedies. In the event that the Grantee shall fail to perform any term, condition, or obligation set forth in this Agreement within the deadline imposed therefor, the City shall not be obligated to reconvey the Premises to the Grantee, may sell and convey the Premises to another party, and shall not be obligated to repay any payment or partial payment made by or on behalf of the Grantee to the City; provided, however, that if the City shall sell the Premises within one year of the effective date of this Agreement, the City shall repay to Grantee any payment by or on behalf of the Grantee to the City for taxes, sewer charges, finance charges, insurance coverage, or document preparation to the extent the proceeds of such sale of the Premises, less any real estate broker or agent fee or charge, transaction costs, and additional carrying costs incurred by the City, permit.

B. Grantee's Remedies. In the event that the Grantee shall sign this Agreement and fully perform all obligations imposed herein, and the City of Rockland shall have authorized the reconveyance but fail to release its interest in the Premises for reasons other than a breach of this Agreement by the Grantee, or the destruction of the Premises, the City shall either reconvey the Premises to the Grantee, or pay to the Grantee any sums realized from the sale of the Premises, less any amounts owed to the City pursuant to this Agreement and/or incurred by the City with respect to the Premises. Notwithstanding anything to the contrary in this Agreement or in the ordinance amendment authorizing the reconveyance, the City shall not be obligated to reconvey the Premises to the Grantee in the event she and/or her guest(s) engage in any criminal activity at the Premises during the period of the City's ownership.

**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:

| <u>COMMERCIAL CORRIDOR OVERLAY ZONE “CCOZ” STANDARDS</u> | |
|---|--|
| <u>Maximum Building Coverage</u> | <u>85%</u> |
| <u>Maximum Lot Coverage</u> | <u>85%</u> |
| <u>Minimum Floor Area Ratio</u> | <u>None</u> |
| <u>Minimum Front Setback</u> | <u>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.</u> |
| <u>Maximum Front Setback</u> | <u>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.</u> |
| <u>Minimum Landscaped Front Setback for Surface Parking Areas</u> | <u>Forty feet</u> |
| <u>Minimum Side Setback</u> | <u>Ten feet</u> |
| | |

| | |
|--|--|
| <u>Minimum Principal Building Height</u> | <u>Two functional stories</u> |
| <u>Surface Parking Lots</u> | <u>Areas for surface parking may not be located between a building and a street, except to provide handicap parking.</u> |
| <u>Parking</u> | <u>Pursuant to Sec. 19-307(8), the parking permitting 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.</u> |
| <u>View Corridors</u> | <u>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.</u> |

Sponsor: COUNCILOR ISGANITIS
Originator: Comprehensive Planning Commission



**CITY OF
ROCKLAND
KNOX COUNTY
MAINE**

Printed: 10/23/2014



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

Comparison of Standards, Camden Street Zones, Feb. 2014. CCOZ Overlay added (Bold) Nov. 2014

D. Standards

| | "TB1" ZONE | "TB2" ZONE | "TB3" ZONE | "TB4" ZONE | "C1" ZONE COMM & MIXED USE | "C2" ZONE NEW COMM & MIXED | "PC" ZONE NONRESIDENTIAL USE |
|--|---|---|--|--|--|--|--|
| Minimum Lot Size Non-Residential and Mixed Use | (*) 10,000 sf, sewerd; 20,000 sf, non-sewerd | (*) 10,000 sf, sewerd; 20,000 sf, non-sewerd | 43,560 sf | 43,560 sf | 30,000 sf | 21,780 sf | 87,120 sq. ft. |
| Minimum Lot Size Residential Use | 5,000 sf, sewerd; 20,000 sf, non-sewerd | 5,000 sf, sewerd; 20,000 sf, non-sewerd | 10,000 sf, sewerd; 20,000 sf, non-sewerd | 10,000 sf, sewerd; 20,000 sf, non-sewerd | 10,000 sf, sewerd; 20,000 sf, non-sewerd | | 300 ft. along a public street |
| Required Lot Area for each Additional Dwelling Unit | 5,000 sf, sewerd; 10,000 sf, non-sewerd | 5,000 sf, sewerd; 10,000 sf, non-sewerd | 5,000 sf, sewerd; 10,000 sf, non-sewerd | 5,000 sf, sewerd; 10,000 sf, non-sewerd | 5,000 sf, sewerd; 10,000 sf, non-sewerd | 1,200 sf, per dwelling | N/A |
| Minimum First Floor Area Per Building | 600 square feet | 600 square feet | 750 square feet | 600 square feet | N/A | 600 sf per dwelling | N/A |
| Maximum First Floor Area Per Building | N/A | N/A | N/A | 140,000 sq ft | 140,000 sq ft | N/A | N/A |
| Minimum Continuous Street Frontage along one street. Excludes Cul-de-sac | 80 feet | 80 feet | 150 feet | 150 feet | 200 ft along public St. | 100 ft along public St | 300 ft along public St |
| Minimum Setbacks Front (*CCOZ See Note(*)7) and Maximum Rear Setback below Side (*CCOZ) Rear | 20 feet (*2) 15 (10) feet 20 feet | 30 feet (*2) 15 (10) feet 20 feet | 30 feet (*2) 15 (10) feet 1-Family 20ft, Others 30ft | 30 feet (*2) 15 (10) feet 1-Family 20ft, Others 30ft | 50 feet (*2) 30 (10) feet 30 feet | 20 feet (*4) 15 (10) feet 20 feet | 50 feet 50 (10) feet 50 feet |
| (*CCOZ) Maximum Front Setback. Also read text in CCOZ for front setbacks (*8) | 10 Feet (*8) | 10 Feet (*8) | 10 Feet (*8) | 10 Feet (*8) | 10 Feet (*8) | 10 Feet (*8) | 10 Feet (*8) |
| (*CCOZ) Minimum Landscaped Front Setback for Surface Parking Areas | 40 Feet | 40 Feet | 40 Feet | 40 Feet | 40 Feet | 40 Feet | 40 Feet |
| Side (10ft side setback in CCOZ, see above) and rear setbacks for nonresidential or mixed use abutting a residential zone or use | Side 30 feet, 10 feet Rear 30 feet | Side 30 feet, 10 feet Rear 30 feet | Side 75 feet, 10 feet Rear 30 feet | Side 75 feet, 10 feet Rear 30 feet | Side 30 feet, 10 feet Rear 30 feet | Side 30 feet, 10 feet Rear 30 feet | Side 75 feet, 10 feet Rear 30 feet |
| Minimum Rear Setback for an Accessory Structure over 700 square feet or portion thereof | 20 feet | N/A | 20 feet | 20 feet | N/A | N/A | N/A |
| Minimum Rear Setback – Exception for accessory structure less than 700sf and max. height of 18 ft. | 5 feet | 5 feet | 5 feet | 5 feet | N/A | N/A | 5 feet |

Comparison of Standards, Camden Street Zones, Feb. 2014. CCOZ Overlay added (Bold) Nov. 2014

| | "TB1" ZONE | "TB2" ZONE | "TB3" ZONE | "TB4" ZONE | "C1" ZONE | "C2" ZONE | "PC" ZONE |
|--|--|---|---|---|---|---|---|
| Maximum Building Coverage ^{(4)CCOZ} | 40% (85%) | 40% (85%) | 30% (85%) | 30% (85%) | 40% (85%) | 50% (85%) | N/A (85%) |
| Maximum Lot Coverage ^{(4)CCOZ} | 60% (85%) | 60% (85%) | 60% (85%) | 60% (85%) | 80% (85%) | 90% (85%) | 85% (85%) |
| Maximum Building Height | 35 feet and 2 1/2 stories | 35 feet and 2 1/2 stories | 35 feet | 40 feet | 45 feet | 35 feet | Either 2 1/2 stories or 35 feet |
| ^{(4)CCOZ} Minimum Principal Bldg. Height | 2 functional stories | 2 functional stories | 2 functional stories | 2 functional stories | 2 functional stories | 2 functional stories | 2 functional stories |
| Minimum Distance Between Curb Cuts ⁽⁴⁶⁾ | 50 ft. along a public st., but at least one allowed per lot. | 150 ft. along a public st., but at least one allowed per lot. | 150 ft. along a public st., but at least one allowed per lot. | 150 ft. along a public st., but at least one allowed per lot. | 175 ft. along a public st., but at least one allowed per lot. | 100 ft. along a public st., but at least one allowed per lot. | 300 ft. along a public st., but at least one allowed per lot. |
| ^{(4)CCOZ} Surface Parking Lots | Areas for surface parking may not be located between a building and a street, except to provide handicap parking. | | | | | | |
| ^{(4)CCOZ} 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. | | | | | | |
| ^{(4)CCOZ} 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. | | | | | | |

Notes:

- (41) Change of use of an existing structure from an exclusively residential use to a Mixed Use, on an existing lot of record as of March 11, 2013, which lot does not meet the dimensional standards for Mixed Uses may be approved by the Planning Board after Site Plan Review as a Conditional Use.
- (42) In the case of an infill lot, the minimum front setback may be less than the listed setback if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.
- (43) Provided that the 30 ft. closest to the lot line shall be landscaped, remain unpaved except for sidewalk and access drives, and not to be used for off-street parking or outdoor storage in each yard abutting a street or if such plan is approved by the Planning Board, the minimum front yard shall be 30 ft.
- (44) Except 30 ft. front setback on Route 1 north of Main St.
- (45) Side and rear setbacks shall not be used for off-street parking or outdoor storage.
- (46) Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard, the intent is to maximize distance between cuts.

CCOZ Notes:

- (47) Minimum Front Setback. Note: 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.
- (48) 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.

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

November 10, 2014

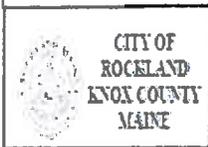
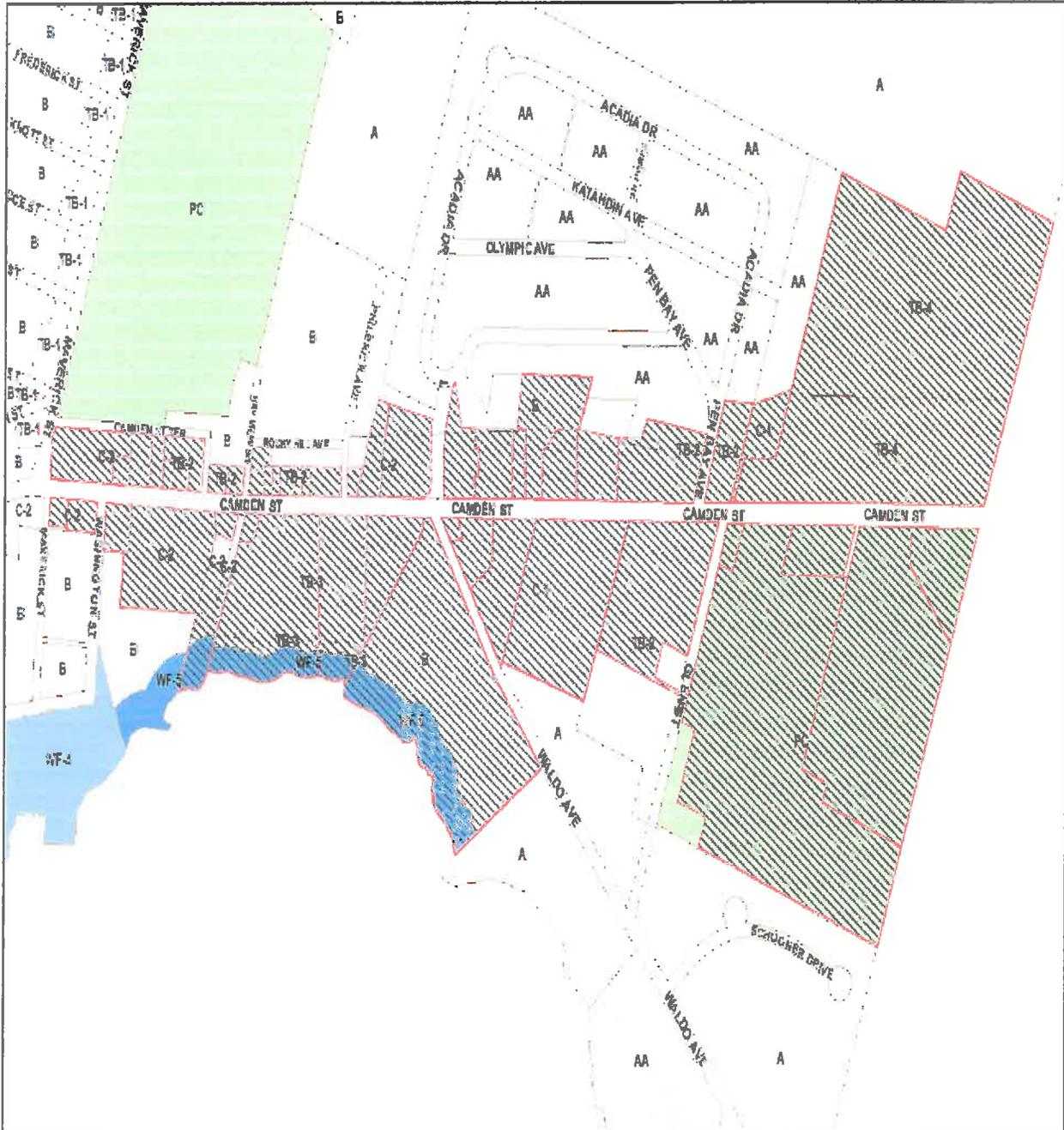
ORDINANCE AMENDMENT Authorizing Zoning Map Amendment

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

| 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 |



Printed: 10/23/2014
 0 100 200 500 700
 Feet
 1 inch = 500 feet

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

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #38

IN CITY COUNCIL

November 10, 2014

**ORDINANCE AMENDMENT: Adopting Zone Regulations for
Adult Amusements Stores**

Purpose:

The purpose for this Ordinance Amendment #38 is to establish reasonable and uniform regulations to prevent the deleterious secondary impacts of adult entertainment establishments within the City of Rockland. It is not the purpose of this ordinance amendment to ban adult amusement stores, or to limit the content of, or access to, protected speech or expression.

Findings:

The City Council hereby finds that adult amusement stores in communities in Maine and elsewhere are associated with a wide variety of deleterious secondary effects including, without limitation, personal and property crimes, prostitution, potential spread of disease, public lewdness and indecency, obscenity, illicit drug use and trafficking, negative impacts on the condition and value of closely-situated surrounding properties, urban blight, litter, and sexual assault and exploitation. The location of adult amusement stores in proximity to residences, schools, daycares, places of worship, recreational and other public parks, liquor licensees, and other incompatible land uses are of particular concern. These findings are supported by research and studies by municipalities and others across the Nation, reflected in a substantial published literature on the subject, including materials provided by City staff for the Council's review and consideration, which materials are incorporated herein by reference as part of the record of the adoption of the following regulations for adult amusement stores.

The City Council further finds that preventing the deleterious secondary effects associated with adult amusement stores through the adoption of content-neutral regulations of the times, places, and manner in which such establishments may be operated falls within the City of Rockland's inherent police power as a municipal corporation and subdivision of the State of Maine, and its home rule authority granted by the Legislature pursuant to Title 30-A, Maine Revised Statutes, Section 3001, and serves the substantial governmental interest in preventing such deleterious effects. Finally, the regulations adopted herein are intended to be no greater than is necessary to achieve the purpose of preventing the deleterious secondary effects associated with adult amusement stores, and to allow for reasonable locations in the City for such establishments.

Retroactivity:

Notwithstanding the provisions of Title 1, Maine Revised Statutes, Section 302 and Rockland Code of Ordinances, Ch. 2, Art. II, Sec. 2-212, Subsec. (31), this ordinance amendment shall be retroactive, and effective as of October 1, 2014.

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, BE AMENDED AS FOLLOWS:

ARTICLE III Zoning Ordinance

* * *

Sec. 19-302 Words and Phrases Defined

ADD:

Adult Amusement Store. Any establishment having as a portion of its stock in trade, whether for sale, rental, or other use, or that derives any revenue from the sale, rental, or other use of, any “sexual device,” or any live or filmed, animated, printed, or digitized depiction or description of “specified sexual activity” or “specified anatomical area,” provided however that an establishment that sells any “sexual device” or sells or rents any filmed, animated, printed, or digitized depiction or description of any “specified sexual activity” or “specified anatomical area” and whose inventory for such purposes does not exceed 10% of total inventory wholesale value or generate in excess of 10% of the revenue of the establishment shall not constitute an “adult amusement store.” For the purposes of this definition, a “sexual device” shall mean a device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus, but shall not include a device primarily intended for preventing pregnancy or for protection against sexually transmitted diseases; “specified sexual activity” shall mean any sexual act including intercourse or other sexual contact as defined under Maine law, masturbation, sodomy, fondling or touching of human genitals, pubic region, breast, buttocks, or anus, or any depiction of human genitals in a state of sexual stimulation or arousal; and “specified anatomical area” shall mean less than completely and opaquely covered human genitals, pubic region, female breast below a point immediately above the top of the areola, buttocks, or anus not depicted for a legitimate medical, educational, or scientific purpose.

* * *

Sec. 19-304 Zone Regulations

* * *

10. Commercial 1 Zone (“C-1”) Regulations

A. Purpose. The purpose of the Commercial 1 Zone is to accommodate general highway-oriented business uses on large parcels.

* * *

B. Use Regulations. In a Commercial 1 Zone “C-1” no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless

otherwise provided for in this Article.

* * *

(2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. The Planning Board shall review and grant, grant with conditions or deny permission for a conditional use by applying the process and standards for site plan review and shall take into consideration the following factors: the location, character and natural features of the site and adjoining property; fencing, screening; landscaping; topography, natural drainage, and provisions for storm and ground water; traffic hazards, vehicular volume, access, impact on public ways and intersections, on-site circulation and parking; pedestrian access, safety and circulation; signage, and lighting; noise; hours of operations; ~~compatibility with existing uses~~; availability of necessary public services; compliance with applicable requirements of all City Ordinances. The Planning Board Chair, subject to challenge and motion by the Board at a meeting duly noticed, may agree to accept for the Board's review fewer than all the mandatory submission requirements set forth in Chapter 16, Article II, except that a site plan shall be required of every applicant.

- (a) Commercial outdoor recreational uses;
- (b) Manufacturing, at parcels fronting on New County Road;
- (c) Warehousing;
- (d) Interior boat storage and repair, at parcels fronting on New County Road;
- (e) Light industrial uses, at parcels fronting on New County Road;
- (f) Adult amusement stores.

* * *

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-10

"C1" ZONE

| | |
|-------------------------------|--------------------------|
| | COMMERCIAL AND MIXED USE |
| MINIMUM LOT SIZE | 30,000 sq. ft. |
| MINIMUM LOT AREA PER DWELLING | 1,200 sq. ft. |

| | |
|---|--|
| MINIMUM STREET FRONTAGE | 200 ft. along a public street |
| MINIMUM SETBACKS | |
| Front | 50 ft., provided that the 30 ft. closest to the lot line shall be landscaped, remain unpaved except for sidewalk and access drives, and not to be used for off-street parking or outdoor storage in each yard abutting a street or if such plan is approved by the Planning Board, the minimum front yard shall be 30 ft. |
| Side | 20 ft. |
| Back | 30 ft. |
| Side and back yard for nonresidential or mixed use abutting a residential zone or use | 30 ft. |
| MAXIMUM BUILDING COVERAGE | 40% |
| MAXIMUM LOT COVERAGE | 80% |
| MAXIMUM BUILDING HEIGHT | 45 ft. |
| MINIMUM DISTANCE BETWEEN CURB CUTS | 175 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts. |
| <u>MINIMUM DISTANCE BETWEEN CERTAIN USES</u> | <u>No adult amusement store may be located closer than 300 feet from any residence, inn, bed and breakfast establishment, lodging house, assisted living facility, school, daycare, place of religious worship, recreational facility or park, playing field, or playground, or business holding a liquor, special amusement, or entertainment license (measured as a line between the public entrance of the adult amusement store and the closest point on the property line of the incompatible use).</u> |

* * *

12. Commercial 3 Zone (“C-3”) Regulations

A. Purpose. The purpose of the Commercial 3 Zone is to accommodate general highway-oriented business uses on large parcels.

B. Use Regulations. In a Commercial 3 Zone “C-3” no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise provided for in this Article.

* * *

(2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), whether or not the institution of the use requires the construction, renovation, or addition to a structure. The Planning Board shall review and grant, grant with conditions, or deny permission for a conditional use by applying the process and standards for site plan review and shall take into consideration the following factors: the location, character and natural features of the site and adjoining property; fencing, screening; landscaping; topography, natural drainage, and provisions for storm and ground water; traffic hazards, vehicular volume, access, impact on public ways and intersections, on-site circulation and parking; pedestrian access, safety and circulation; signage, and lighting; noise; hours of operations; availability of necessary public services; compliance with applicable requirements of all City Ordinances. The Planning Board Chair, subject to challenge and motion by the Board at a meeting duly noticed, may agree to accept for the Board's review fewer than all the mandatory submission requirements set forth in Chapter 16, Article II, except that a site plan shall be required of every applicant.

(a) Adult Amusement Stores.

(32) Prohibited Uses.

* * *

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-12

"C3" ZONE

| | COMMERCIAL AND MIXED USE |
|---|-------------------------------|
| MINIMUM LOT SIZE | 43,560 sq. ft. |
| MINIMUM LOT AREA PER DWELLING | |
| MINIMUM FIRST FLOOR AREA PER BUILDING | 600 sq. ft. |
| MINIMUM STREET FRONTAGE | 200 ft. along a public street |
| MINIMUM SETBACKS | |
| Front | 50 ft. |
| Side | 25 ft. |
| Back | 30 ft. |
| Side and back yard for nonresidential or mixed use abutting a residential zone or use | 40 ft. |

| | |
|--|--|
| MAXIMUM BUILDING COVERAGE | 20% |
| MAXIMUM LOT COVERAGE | 60% |
| MAXIMUM BUILDING HEIGHT | Either 2½ stories or 35 feet |
| MINIMUM DISTANCE BETWEEN CURB CUTS | 200 ft. along a public street or 100 ft. along an internal private road, but at least one allowed per lot. Property access shall be from side street when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts. |
| FLAG LOTS | Subject to Planning Board Review. |
| <u>MINIMUM DISTANCE BETWEEN CERTAIN USES</u> | <u>No adult amusement store may be located closer than 300 feet from any residence, inn, bed and breakfast establishment, lodging house, assisted living facility, school, daycare, place of religious worship, recreational facility or park, playing field, or playground, or business holding a liquor, special amusement, or entertainment license (measured as a line between the public entrance of the adult amusement store and the closest point on the property line of the incompatible use).</u> |

13. Plaza Commercial Zone "PC" Regulations.

A. Purpose.

The purpose of the Plaza Commercial Zone is to accommodate commercial centers for highway-oriented businesses.

B. Use Regulations.

In a Plaza Commercial Zone "PC" no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise provided for in this Article.

* * *

(2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), whether or not the institution of the use requires the construction, renovation, or addition to a structure. The Planning Board shall review and grant, grant with conditions, or deny permission for a conditional use by

applying the process and standards for site plan review and shall take into consideration the following factors: the location, character and natural features of the site and adjoining property; fencing, screening; landscaping; topography, natural drainage, and provisions for storm and ground water; traffic hazards, vehicular volume, access, impact on public ways and intersections, on-site circulation and parking; pedestrian access, safety and circulation; signage, and lighting; noise; hours of operations; availability of necessary public services; compliance with applicable requirements of all City Ordinances. The Planning Board Chair, subject to challenge and motion by the Board at a meeting duly noticed, may agree to accept for the Board's review fewer than all the mandatory submission requirements set forth in Chapter 16, Article II, except that a site plan shall be required of every applicant.

(a) Adult Amusement Stores.

(32) Prohibited Uses

* * *

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-13

"PC" ZONE

| | NONRESIDENTIAL USE |
|---|---|
| MINIMUM LOT SIZE | 87,120 sq. ft. |
| MINIMUM STREET FRONTAGE | 300 ft. along a public street |
| MINIMUM SETBACKS | |
| Front | 50 ft. |
| However, if the area between the principal structure and the front lot line (extending the full width of the lot) is landscaped and remains unpaved except for sidewalks and access drives and not used for off-street parking or outdoor storage | 30 ft. |
| Side | 50 ft. |
| Back | 50 ft. |
| Side and back yard for nonresidential or mixed use abutting a residential zone or use | 75 ft. |
| Side and back setback abutting non-residential use which is also within the "PC" zone | 6 ft. |
| MAXIMUM LOT COVERAGE | 85% |
| MAXIMUM BUILDING HEIGHT | Either 2½ stories or 35 feet |
| MINIMUM DISTANCE BETWEEN CURB | 300 ft. along a public street, but at least one allowed |

| | |
|--|--|
| CUTS WITHIN LOT OR ANY OTHER CURB CUT | per lot. This provision may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts. |
| <u>MINIMUM DISTANCE BETWEEN CERTAIN USES</u> | <u>No adult amusement store may be located closer than 300 feet from any residence, inn, bed and breakfast establishment, lodging house, assisted living facility, school, daycare, place of religious worship, recreational facility or park, playing field, or playground, or business holding a liquor, special amusement, or entertainment license (measured as a line between the public entrance of the adult amusement store and the closest point on the property line of the incompatible use).</u> |

Sec. 19-315 Signs

* * *

3. Sign Standards.

A. Permitted Signs. Only signs which refer to the legal use of the property, provided such signs conform to the provisions of this Ordinance, are permitted:

* * *

ADD:

(10) Adult Business Store Signs. Notwithstanding anything to the contrary herein, an adult amusement store shall not be permitted more than one (1) sign advertising its business, which shall be an on-premise free-standing or attached wall sign only. No such sign shall:

- (a) Be placed in any window, except that one sign no larger than one (1) sq. ft. may be placed on the door to state only the store's hours of operation and that admittance is for adults only;
- (b) Be neon or internally-illuminated or contain any flashing lights, moving elements, or mechanically changing messages;
- (c) Contain any depiction of the human form or any part thereof, whether by photograph, painting, drawing, silhouette, or pictorial representation;

(d) Contain any sexually explicit or suggestive language such as "nude dancing" or "Girls, Girls, Girls," etc.; or

(e) Be located off-site;

(f) Have more than two display surfaces; or;

(g) Exceed twenty (20) sq. ft.

Any sign located on the premises of a multi-unit commercial center such as a shopping center or plaza and identifying one or more of the businesses that comprise the center shall also comply with this subsection if such sign identifies an Adult Amusement Store on the premises.

Sponsor: Councilor MacLellan-Ruf
Originator: Code Enforcement Officer

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #39

IN CITY COUNCIL

November 10, 2014

**ORDINANCE AMENDMENT: Establishing Licensure Requirements And
Procedures For Adult Amusement Stores**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits
And Franchises, BE AMENDED AS FOLLOWS:**

Findings:

The City Council hereby finds that adult amusement stores in communities in Maine and elsewhere are associated with a wide variety of deleterious secondary effects including, without limitation, personal and property crimes, prostitution, potential spread of disease, public lewdness and indecency, obscenity, illicit drug use and trafficking, negative impacts on the condition and value of closely-situated surrounding properties, urban blight, litter, and sexual assault and exploitation. The proper operation and management of such establishments, by responsible and reputable business persons, and their proper geographic separation from residences, schools, daycares, places of worship, recreational facilities, parks, playing fields, playgrounds, liquor licensees, and other incompatible land uses, are important tools for minimizing the risk that such deleterious effects may ensue. These findings are supported by research and studies by municipalities and others across the Nation, reflected in a substantial published literature on the subject, including materials provided by City staff for the Council's review and consideration, which materials are incorporated herein by reference as part of the record of the adoption of the following regulations for adult amusement stores.

The City Council further finds that preventing the deleterious secondary effects associated with adult amusement stores through the adoption of content-neutral licensure requirements for such establishments falls within the City of Rockland's inherent police power as a municipal corporation and subdivision of the State of Maine, and its home rule authority granted by the Legislature pursuant to Title 30-A, Maine Revised Statutes, Section 3001, and serves the substantial governmental interest in preventing such deleterious effects. Finally, the regulations adopted herein are intended to be no greater than is necessary to achieve the purpose of preventing the deleterious secondary effects associated with adult amusement stores.

Retroactivity:

Notwithstanding the provisions of Title 1, Maine Revised Statutes, Section 302 and Rockland Code of Ordinances, Ch. 2, Art. II, Sec. 2-212, Subsec. (31), this ordinance amendment shall be retroactive, and effective as of October 1, 2014.

ADD:

ARTICLE XII Licensing of Adult Amusement Stores

Sec. 11-1201 Purpose

The purpose for licensing Adult Amusement Stores, as defined herein, is to establish reasonable and uniform regulations to prevent the deleterious secondary impacts of such establishments within the City of Rockland. It is not the purpose of this ordinance amendment to ban adult amusement stores, or to limit the content of, or access to, protected speech or expression.

Sec. 11-1202 License Required

No person, firm, or corporation shall keep, maintain, operate, lease, or otherwise furnish, whether for members or the general public, any premises, building, apartment, or place for use as an Adult Amusement Store without first having obtained an Adult Amusement Store license and paying the application and/or license fee(s) established therefor by Order of the City Council.

Sec. 11-1203 Licensing Authority

The City Clerk may issue an Adult Amusement Store license only upon its approval by the Municipal Officers, after notice and public hearing. Notice shall be given by the Clerk, pursuant to the provisions of Section 11-1210 of this Article. The Municipal Officers shall approve an Adult Amusement Store license when they find that the applicant is in strict compliance with the requirements of this Article and the other applicable codes and ordinances of the City of Rockland. In the event the City Council fails to hear and rule upon an Adult Business Store application within sixty (60) days of the date of the application, it shall be deemed to have been denied.

Sec. 11-1204 Definitions

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

1. **Adult Amusement Store.** Any establishment having as a portion of its stock in trade, whether for sale, rental, or other use, or that derives any revenue from the sale, rental, or other use of, any “sexual device,” or any live or filmed, animated, printed, or digitized depiction or description of “specified sexual activity” or “specified anatomical area;” provided however that an establishment that sells any “sexual device” or sells or rents any filmed, animated, printed, or digitized depiction or description of any “specified sexual activity” or “specified anatomical area” and whose inventory for such purposes does not exceed 10% of total inventory wholesale value or generate in excess of 10% of the revenue of the establishment shall not constitute an “adult amusement store.” For the purposes of this definition, a “sexual device” shall mean a device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus, but shall not include a device primarily intended for preventing pregnancy or for protection against sexually transmitted diseases; “specified sexual activity” shall mean any sexual act including intercourse or other sexual contact as defined under Maine law, masturbation, sodomy, fondling or touching of human genitals, pubic

region, breast, buttocks, or anus, or any depiction of human genitals in a state of sexual stimulation or arousal; and “specified anatomical area” shall mean less than completely and opaquely covered human genitals, pubic region, female breast below a point immediately above the top of the areola, buttocks, or anus not depicted for a legitimate medical, educational, or scientific purpose.

2. Officer. Any officer, director, stockholder, owner, manager or person who either has a financial interest of any nature in an Adult Amusement Store or directs any policy of an Adult Amusement Store.

3. Person. Any individual, person, firm, corporation, association, partnership, or organization.

Sec. 11-1205 Fees

The City Council may establish a reasonable, non-refundable application fee for processing and giving notice of applications for Adult Amusement Store licenses and performing investigations and inspections therefor. The City Council may establish a reasonable, non-refundable license fee for inspecting and monitoring licensees’ compliance of Adult Amusement Store licensees.

Sec. 11-1206 Application and Information

Every applicant for an Adult Amusement Store license shall:

1. Complete and file an application on a form prescribed by the City Clerk;

2. Pay in advance the non-refundable application fee and/or license fee;

3. Provide to the City Clerk all information and materials requested in the application or by a responsible municipal official, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, or articles of association and bylaws if the applicant is an association;

4. Submit, under oath, an affidavit in which the applicant identifies all officers, operators, and/or managers of the applicant, and of applicant’s employees to be employed at the licensed premises, and states their dates of birth, social security numbers, current addresses, and prior addresses during the immediately preceding three (3) years.

The submission of false information in an application for a license shall be a violation of this Article and of 17-A M.R.S. § 452, and such act shall be ground for the denial of the application.

Sec. 11-1207 Qualification of Officers

To be eligible for an Adult Amusement Store license, no officer, operator, or manager of

the applicant shall have been convicted, at any time, of a Class A, B, or C crime or, irrespective of the classification of the crime, of any offense relating to prostitution, unlawful sexual conduct, or trafficking a controlled substance. Each such officer, operator, or manager of the applicant shall file the release authorized by 16 M.R.S. § 620 (Criminal History Record Information Act) with the application. Failure to provide such a release shall be a ground for denial of the application.

Sec. 11-1208 Administrative Denial of Application

The City Clerk shall deny an application for an Adult Amusement Store license upon the occurrence of one or more of the following:

1. Applicant, upon notice, fails to submit information required under Sec. 12-1206;
2. Applicant fails to pay the non-refundable application fee established by the Council pursuant to Sec. 11-1205;
3. Applicant or an officer, manager, or operator of the applicant has been convicted of a crime that makes the applicant ineligible for a license pursuant to Sec. 11-1207.

Sec. 11-1209 Investigation of Applicant

Upon receipt of each application for an Adult Amusement Store license or notice of a change of operator(s) or manager(s):

1. Compliance with Ordinances. The Code Officer shall inspect and verify that the premises of the proposed Adult Amusement Store comply with the applicable ordinances of the City of Rockland, including but not by way of limitation, the Building Code, Electrical Code, Plumbing Code, and Zoning Ordinance and shall report his findings in writing to the Municipal Officers.
2. City Clerk. The City Clerk shall review the application and other documents and determine whether such documents indicate that the requirements of the Article have been met and shall report his findings in writing to the Municipal Officers.
3. Inspection by Fire Chief. The Fire Chief shall cause an inspection to be made of the proposed location of the Adult Amusement Store for the purpose of determining if City ordinances concerning fire and safety have been complied with. He shall submit a report of his findings in writing to the Municipal Officers.
4. Investigation by Police Chief. The Police Chief shall cause an investigation to be made of the officer(s), operator(s), and manager(s) of the proposed Adult Amusement Store and shall report his findings in writing to the Municipal Officers.

Sec. 11-1210 Notice of Hearing

After receipt of the written reports required by Section 11-1210, the City Clerk shall give

notice of the public hearings on applications for Adult Amusement Stores in the form and manner and to the persons herein specified. The notice shall include the time and place of such hearing, the nature of the matter to be heard, the address or location of the property involved. Where notice by mail is required, it shall be mailed at least seven (7) days in advance of the hearing date by regular United States mail.

Notices shall be given to each of the following, as specified:

1. Residents. To all residents of the City by publication in a newspaper of general circulation in the City at least once, not more than thirty (30) nor less than five (5) days before the date of the hearing.

2. Abutters. To the owners of all the property within five hundred (500) feet of such parcel or tract by mail.

3. Property Owners Defined. For the purpose of this Section, the owners of property, shall be considered to be the parties listed by the Assessor's Department of the City of Rockland as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the Municipal Officers.

Sec. 11-1211 City Council Review Criteria

The Council shall approve and the Clerk shall subsequently issue an Adult Amusement Store license unless the Council finds, after notice and hearing, that:

1. The applicant is a person who is a minor;

2. The applicant provided false information in its application;

3. The applicant previously held a license or other permission to operate an adult amusement store or similar establishment that, within two years prior to the date of his application in Rockland was either (A) revoked by a municipality, or (B) found to constitute a public nuisance;

4. The applicant has, within two years prior to the date of his application, failed timely to pay any tax, fee, fine, or penalty;

5. The applicant failed to obtain a sales tax certificate from the State of Maine; or

6. The proposed store is likely to endanger public safety, for specified reasons.

Sec. 11-1212 Operations

In addition to and notwithstanding any other applicable provisions in this Code of Ordinances, Adult Amusement Store licensees shall be subject to the following restrictions and requirements:

1. No merchandise or pictures of the products or entertainment offered on the premises may be displayed in window areas or any area where they can be viewed from the sidewalk or street in front of the building, or from another parcel;
2. Licensee shall remain in compliance with the provisions for Adult Amusement Store signage set forth in Sec. 19-315;
3. Licensee may not employ any minor at or in connection with the Adult Amusement Store;
4. Licensee may not employ any person who has ever been convicted of a Class A, B, or C crime or, irrespective of the classification of the crime, of any offense relating to prostitution, unlawful sexual conduct, or trafficking a controlled substance;
5. The Adult Amusement Store shall be closed and vacated by the public each day from 12:00 P.M. to 6:00 A.M. During the hours that an Adult Amusement Store must remain closed, no members of the public or other persons, other than regular employees, may be on or remain therein;
6. No person may possess opened containers of or consume any alcoholic beverage on the licensed premises, at any time;
7. No licensee shall knowingly permit any illegal activities to take place on the licensed premises;
8. Every Adult Amusement Store shall include at least one interior Manager's Station, not to exceed thirty-two (32) sq. ft. in floor area. Licensee shall assure that at least one employee is on duty at all times and stationed at such Manager's Station. The interior of the premises shall be so configured as to ensure that the entire interior of the premises to which any patron is admitted for any purpose is within the unobstructed view of employees at one or more Manager's Stations;
9. The exterior of the licensed premises shall be surveilled by one or more security cameras that enable the employee at the Manager's Station to see view the conduct of patrons and other members of the public in areas not viewable from the street, parking areas, paths, and entrances, and areas adjacent to the other exterior walls of the premises. All areas subject to security surveillance pursuant to this subsection shall be adequately lit, in conformance with the lighting standards and conditional use approval by the Planning Board, so as to enable such surveillance. Digitized recordings of such surveillance shall be maintained for at least (sixty) 60 days;
10. Loitering shall not be tolerated, either outside or inside the premises ;
11. The exterior of an Adult Amusement Store may not be painted or otherwise arranged as to depict the human form or any part thereof, whether by photograph, painting,

drawing, silhouette, or pictorial representation, nor exhibit any sexually-explicit or suggestive language;

12. The licensed premises shall be subject to inspection by State or municipal law enforcement and/or code enforcement officers at any time, at the request of the City Council or City Manager; and

13. Every Adult Amusement Store shall exhibit its license at all times in a conspicuous place on the licensed premises.

Sec. 11-1213 Licenses Not To Be Transferable

An Adult Amusement Store license is valid only for and at the premises identified therefor in the application. No Adult Amusement Store license may be transferred to another person or to any other location; provided, however, that a licensed Adult Amusement Store may change its name upon approval by the Municipal Officers, if its location remains the same.

Sec. 11-1214 Expiration

All licenses issued pursuant to this Article shall expire one year from the date of issue.

Sec. 11-1215 Proximity to Certain Establishments

No new Adult Amusement Store license shall be granted for premises situated within 300 feet from any residence, inn, bed and breakfast establishment, lodging house, assisted living facility, school, daycare, place of religious worship, recreational facility or park, playing field, or playground, or business holding a liquor, special amusement, or entertainment license (measured as a line between the public entrance of the adult amusement store and the closest point on the property line of the incompatible use).

Sec. 11-1216 Entertainment License

No licensee shall permit on his licensed premises any music, except radio or other mechanical device, or any dancing or entertainment of any type or in any form.

Sec. 11-1217 Suspension or Revocation

A license to operate an Adult Amusement Store, as provided for by this Article, may be denied, suspended, or revoked by the Municipal Officers for either a violation of or failure to comply with any of the provisions of this Article. Determination of the severity of the violation and whether or not a denial, suspension, or revocation is warranted, shall be made by the Municipal Officers, after notice and hearing.

Sec. 11-1218 Appeals

An appeal from any final decision of the Municipal Officers by any party with standing

shall be made to the Superior Court in accordance with the provisions of Maine Rule of Civil Procedure 80B.

Sec. 11-1219 Penalty

In addition to any action which the Municipal Officers may take, violation of any provision of this Article shall be a civil violation and subject to a fine not exceeding five hundred dollars (\$500) per day. Each day that a violation continues is a separate offense.

Sponsor: Councilor MacLellan-Ruf
Originator: Police Chief

MEMORANDUM

To: City Council
Cc: Councilors Elect
Acting City Manager
Police Chief
Code Enforcement Officer
City Clerk

From: City Attorney *LR*

Date: 11/06/14

Re: Adult Amusement Store Regulations

Councilors:

As you no doubt recall, we are permitted to regulate the deleterious impacts of adult businesses without infringing upon free speech, if the regulations are a commensurate response to the substantial government interest in avoiding such impacts. The conclusion that adult businesses pose a risk to the public health, safety and welfare in Rockland should be supported by record evidence. To date, that evidence consists of public comment by concerned citizens, and articles and studies of the subject from around the Nation.

Several members of the public, having learned that Rusty Hoffman proposed to locate an adult business and head shop at the corner of Union and Willow Streets in Rockland spoke against the proposal at the October 29, 2014, City Council meeting, citing the likely deleterious impact of such a business on public safety, quality of life, and property values in the area.

In addition, the "findings" statements in both Ordinance Amendments 38 and 39 reference the substantial literature on this subject. To document the City's research into these matters and as further support for the adoption of reasonable regulations of adult amusement stores, I have gathered a diverse selection of such articles and studies, which are available for your review in their entirety. Here, I summarize the salient conclusions in some of the published articles on this subject.

Negative Effects

"Research consistently confirms what the U.S. Supreme Court has recognized: that sex businesses can harm the *entire* community through negative secondary effects, such as increased crime, decreased property values and urban blight. Research also shows

that when communities employ constitutionally sound zoning and licensing solutions, the negative impact of such businesses is minimized. Where there is inadequate statutory protection or law enforcement, however, the entire community suffers.” Weiss, *Bad for Business* (www.citizenlink.com, 02/21/12).

In areas where sexually-oriented businesses (“SOBs”) are located, crime rates are higher, property values are lower, and properties take longer to lease or sell. Malin, *An Analysis of the Effects of SOBs on Surrounding Neighborhoods in Dallas* (April 1997).

“Sexually oriented businesses tend to harm smaller communities more than larger cities ‘because of the more compact nature of downtowns and their relationship to surrounding neighborhoods.’” (Weiss, quoting, Environmental Research Group, *Report to the American Center for Law and Justice* (March 31, 1996).)

Harms Business

“Researchers in Dallas found that the presence of sex businesses harms other businesses, by creating ‘dead zones’ in commercial areas where shoppers do not want to be associated in any way with adult uses or have their children walk by adult uses.” (Weiss, citing, The Malin Group, *An Analysis of the Effects of SOBs on the Surrounding Neighborhoods* (www.communitydefense.org, 04/29/97.)

Property Values

A survey of Fort Worth, Texas area real estate appraisers found that strong majorities felt that the location of sex businesses in a community would decrease single-family and commercial property values. (Weiss, citing, Duncan Associates, *Survey of Appraisers: Effects of Land Uses on Surround Property Values* (www.communitydefense.org, Sept. 2004.)

Crime

“Numerous studies show that sexually-oriented businesses are regional more than local attractions. That is, they bring in people who have no ties or accountability to the neighborhood. According to the Environmental Research Group, “This increases the porosity of the neighborhood to strangers and perpetrators, decreases informal social control of behavior, and increases the potential for opportunistic crime.” (Weiss, citing, Environmental Research Group, *Report to the American Center for Law and Justice on the Secondary Impacts of Sexually Oriented Businesses* (www.communitydefense.org, March 1996.)

“SOBs [sexually-oriented businesses] have large, significant crime-related secondary effects. The effect is the product of three factors: (1) SOBs draw patrons from wide catchment areas;

(2) Because they are disproportionately male, open to vice overtures, reluctant to report victimizations to the police, etc., SOB patrons are 'soft' targets; (3) the high density of 'soft' targets at the site attracts predatory criminals, including vice purveyors who dabble in crime and criminals who pose as vice purveyors in order to lure or lull potential victims." McCleary, *Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report to the [Los Angeles] City Attorney* (May 6, 2007).

"In the last thirty years, empirical studies . . . have found that SOBs have large, significant crime-related secondary effects." McCleary 2007.

"Given that strong criminological theory predicts the effect, and given that the prediction is corroborated consistently by the empirical literature, it is a *scientific fact* that SOBs pose ambient crime risks [defined elsewhere in the article as 'site-specific public safety hazards' – i.e., arising from a particular use or condition]." McCleary 2007.

Adult businesses that provide "private or semi-private booths for on-site viewing of video tapes and DVDs" in addition to rentals for off-site viewing "pose higher risks for crime" up to double the risk. McCleary 2007.

The diminishment of the ambient crime risk associated with sexually oriented businesses is established mathematically, utilizing a variety of models for calculating that risk at varying radii of concentric circles from the adult business. McCleary 2007.

Proximity to alcohol is a key contributing factor. "Alcohol aggravates the already-high ambient crime risk by lowering the inhibitions and clouding the judgments of patrons. In effect, alcohol makes the soft targets found at sexually-oriented business sites softer." McCleary and Sexton, *Testimony to the Illinois State Senate Public Health Committee* (March 2, 2012) at p. 4.

CITY OF ROCKLAND, MAINE

ORDER #86

IN CITY COUNCIL

November 10, 2014

ORDER Authorizing the Acceptance of a Community Development Block Grant (CDBG) for the 2014 Statewide Home Repair Network Program in the amount of \$1,700,000, and for the City of Rockland to act as the lead community in distributing these funds to certain Community Action Agencies.

THAT, WHEREAS, the City of Rockland has served as the lead community for the 2003 through 2013 Home Repair Network Programs; and

WHEREAS, 2014 Home Repair Network Program funds in the amount of \$1,700,000 will be distributed through a set aside of CDBG funds provided to the City of Rockland as the lead community; and

WHEREAS, the City of Rockland as the lead community has establish a legally binding contract with each of the participating Maine Community Action Agencies or other approved entity identified for the Home Repair Network delivery system as approved by the Maine Department of Economic and Community Development's Office of Community Development; and

WHEREAS, the City of Rockland will receive \$5,000 in administrative funding as lead community for this program.

NOW THEREFORE, it is hereby Ordered by the City Council of the City of Rockland, Maine, that the City Manager;

(1) is authorized to accept on behalf of the City a grant from the Maine Department of Economic and Community Development to be used for the purpose and in the manner stated in the State of Maine's 2014 CDBG Program Statement as pertains to the Home Repair Network; and

(2) is authorized and directed, upon the acceptance of said funds, to carry out the duties and responsibilities for implementing said program consistent with the City Charter and the laws and regulations governing the planning and implementation of community development programs in the State of Maine.

Sponsor: City Manager

Originator: Community Development Director

CITY OF ROCKLAND, MAINE

ORDER #87

IN CITY COUNCIL

November 10, 2014

ORDER Accepting Forfeited Assets – MacDonald/Williams

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

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

- \$5,838.00 U. S. Currency, State of Maine v. Daeshawn MacDonald, Superior Court Docket #CR-14-232;
- \$4,592.00 U. S. Currency, State of Maine v. Daniel Williams, Superior Court Docket #CR-14-235.

Sponsor: City Manager

Originator: Police Department

CITY OF ROCKLAND, MAINE

ORDER #88

IN CITY COUNCIL

November 10, 2014

ORDER Use of City Property – Holiday Season

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT Rockland Main Street, Inc. is hereby authorized to utilize City properties and rights of way to mark the beginning of the 2014 Holiday Season, in substantial compliance with the schedule outlined in the letter from Rockland Main Street, Inc., attached hereto, as follows:

- Hanging of decorations on Park and Main Streets on Tuesday, November 18, 2014, and hang a banner across Main Street promoting the Festival of Lights;
- Installation of “Santa’s Workshop” in Winslow Holbrook Memorial Park on November 24, 2014;
- Main, Union and Park Streets at or after 12:00 p.m. on Friday, November 28, 2014, for a brief ceremony and procession marking the arrival of “Santa” and the opening of the Holiday Season on Main Street, which shall not require the closing of Main Street, and Mildred Merrill Park for the lighting of the “Lobster Trap Tree” at 6:00 p.m. (construction of the “tree” may begin on November 19, 2014);
- Main Street, between the entrance to the Maine State Ferry Terminal and the entrance to Harbor Park, on Saturday, November 29, 2014, from 5:00 p.m. to 8:00 p.m. for the annual Festival of Lights Parade (Main Street to be closed to vehicular traffic and parking on Main Street prohibited beginning at 4:00 p.m.).

The organizer of these events shall be responsible for setting up for and cleaning up after the events, shall provide proof of liability insurance to the City prior to holding the events, and shall coordinate with the Rockland Police and Fire & EMS Departments for any necessary traffic control and/or public safety measures. Any fees associated with these activities are hereby waived.

Sponsor: City Council

Originator: Rockland Main Street, Inc.



Rockland Main Street, Inc.

17 October 2014

Rockland City Council
c/o Mr. Tom Luttrell, City Manager
270 Pleasant Street
Rockland, ME 04841

Dear Council Members:

Rockland Main Street, Inc., is preparing for the annual Festival Of Lights Celebration, scheduled for Thanksgiving weekend. It has been the tradition for this seasonal event to utilize the space at Mildred Merrill Park to construct the Lobster Trap Christmas Tree, and to install a shed to serve as Santa's workshop to receive children and their families.

It has also been the tradition to orchestrate an after-dark parade that features dozens of lighted floats that will circle the downtown district before coming to rest on Main Street. The parade activity includes the closure of Main Street for a few hours, from approximately 5:00 PM through 9:00 PM, during which hundreds of families from all over the midcoast region attend and spend time in the shopping district.

The schedule for this year's events are as follows:

- 18 NOVEMBER - HANG UP KEATS'S / REMOVE U.S. FLAGS
- 19 November – Build Lobster Trap Tree
- 24 November – Install Santa's workshop
- 28 November – Noon - Santa arrives at Middle Pier via Coast Guard vessel
- 28 November – 6:00 PM - Lighting of the Lobster Trap Tree
- 29 November – 6:00 PM - Festival of Lights Parade
- 30 November – Breakfast with Santa at Chowder House/Trade Winds

Attached are the appropriate application documents for Special Events.

The focus of these events is on providing a family friendly environment while celebrating our community and the beginning of the holiday season. Given that this is an event created for the enjoyment of the community and residents of Rockland, *we ask that you consider waiving all associated fees.* We will work closely with you and city staff to minimize the impact of the event on the city, just as we have done in past years.

I will make myself available to answer any questions you may have. As it is my intent to attend the council meeting that will handle this request, I ask that I be informed of the date and time of the meeting.

Thank you for your consideration,

Gordon Page, Sr.
Executive Director

Rockland Main Street, Inc.

"Working to Keep Downtown the Heart of the Community"

PO Box 402, Rockland Maine 04841

Located at 417 Main Street # 203 ~ 207.593.6093 ~ rocklanddowntown@gmail.com

Rockland, Maine is a U. S. Coast Guard City and was named a Distinctive Destination in 2010

Member Maine Downtown Center and Maine Development Foundation

501 (2) (3)

CITY OF ROCKLAND, MAINE

ORDER #89

IN CITY COUNCIL

November 10, 2014

ORDER Authorizing Request for Proposals for Place-Making Code Development

WHEREAS, the City of Rockland Economic Development Advisory Committee (“EDAC”) worked for eighteen months with Friends of Midcoast Maine to establish a community vision and development recommendations to enhance economic activity along the Camden Street Route 1 Corridor in a manner reflective of Rockland’s community values and strengths; and

WHEREAS, EDAC and its consultants documented their work and resulting recommendations in a November 26, 2013, “Rockland Rockport Commercial Corridor Design Study” (prepared by Terrence J. DeWan & Associates and HNTB Traffic & Transportation Planning) and December 2013 “Design Principles Summary” (prepared by Friends of Midcoast Maine) (collectively, the “Camden Street Study;” and

WHEREAS, on January 13, 2014, in Order #4, the City Council formally accepted the Camden Street Study, and directed EDAC and the Comprehensive Planning Commission (COMPS) jointly to develop for Council review a list of recommended land use ordinance changes to foster the development of Camden Street in a manner consistent with the Camden Street Study; and

WHEREAS, on August 28, 2014, COMPS and EDAC jointly recommended to the City Council that the City Council approve funding to provide professional planning assistance to develop form-based codes (a/k/a “place- making codes) for the Camden Street Corridor,

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, the City Council authorizes the City Manager to solicit proposals for professional planning services to assist COMPS (1) in the development of place-making type zoning for both the Camden Street and Park/Payne Route 1 Corridors; (2) engage the community in developing place-making code options for the commercial corridor segments identified in the recommendations from COMPS and REDAC; and (3) develop zoning amendments for Council consideration; and

THAT, said consultant services be funded from the _____ account(s).

Sponsor: City Council

Originator: Economic Development Advisory Committee
and Comprehensive Planning Commission

CITY OF ROCKLAND, MAINE

ORDER #90

IN CITY COUNCIL

November 10, 2014

ORDER Authorizing Expenditure of Reserve Funds -- Pump Station Repairs

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to expend up to \$18,000 from the Sewer Renew and Replacement Reserve Account (#70000-01668) to replace an underground control valve at the Glenwood Avenue pump station.

Sponsor: City Manager
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER #91

IN CITY COUNCIL

November 10, 2014

ORDER Adopting FY15/FY16 Work Plan

WHEREAS, the Council seeks to identify those areas within City government where changes may be needed for the City to meet the challenges and capitalize on opportunities in a changing community; and

WHEREAS, the Council seeks to work with the Manager to develop and support a culture within City government that is focused on efficiency and quality and safety in the delivery of City services; and

WHEREAS, the Council and Manager desire to identify those areas within the City Budget for which potentially significant changes might be warranted well ahead of the budgeting process; and

WHEREAS, the Council held three work sessions to develop a Work Plan for FY15 and FY 16 and the Manager solicited questions and ideas from all department heads and met individually with each department head to review and refine possible priority projects;

NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, the City Council adopts the FY15/FY16 Work Plan dated November 10, 2014 and included herein by reference as roadmap for Council work sessions and action items for the next six to eighteen months and as priority projects for the City Manager to develop and bring back before Council, or implement, as appropriate; and

THAT, the City Council directs the City Manager to report back to the Council on the status of Work Plan items at least quarterly and to include in the City Manager's Report routine status updates on projects and questions identified in the FY14/FY15 Work Plan

Sponsor: City Council
Originator: City Council