

*CITY OF ROCKLAND, MAINE*



*270 Pleasant Street  
Rockland, Maine 04841*

**CITY CLERK'S OFFICE**

December 4, 2015

***YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF THE  
ROCKLAND CITY COUNCIL WILL BE HELD IN CITY COUNCIL  
CHAMBERS AT ROCKLAND CITY HALL, 270 PLEASANT STREET,  
ROCKLAND, MAINE ON MONDAY, December 7, 2015 AT 5:30 P.M. FOR  
THE FOLLOWING PURPOSE(S):***

*[Please Note Starting Time and Date]*

**Discussions:** Library Card Circuit Breaker Program  
Re-Establishing the DARE Program  
Education Options Question - How to Proceed  
Broadband Report  
MSW & Recycling  
Administrative Structure of Harbor & Waterfront Dept.

Set Agenda for December 14, 2015 Regular Meeting

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

  
\_\_\_\_\_  
**STUART H. SYLVESTER  
CITY CLERK**

**ITEMS FOR 12/14/15 REGULAR MEETING AGENDA:**

**December 7, 2015**

**Communications:**

- a. Letter from Care Net Pregnancy Crisis Center – Request for a Right-of-Way License

**Licenses and Permits:**

- a. Lodging House License – Limerock Inn
- b. Lodging House License – 250 Main
- c. Liquor & Entertainment Licenses – Rockland Elks Lodge
- d. Liquor & Entertainment Licenses – The Strand Theatre
- e. Taxi Company License – Reed’s Taxi (1 taxicab)

**Resolves:**

- #50 Re-Appointments to Boards, Commissions & Committees
- #51 Commendation – 20 Years of Service (A. Miceli)
- #52 Establishing Positions & Confirming Appointments
- #53 Accepting Donation – Fire Department

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

- #41 Chapter 11, Section 11-210 Short-Term Rentals
- #42 Chapter 19, Article III Short-Term Rentals
- #43 Chapter 19, Section 19-304 “DT” & “TAAOZ” Setbacks
- #44 Authorizing Bill of Sale – Reconveyance of 105 First Street
- #45 Chapter 17, Section 17-802 15 Min Limit - Thorndike Parking Lot (2 spaces)

**Ordinances in First Reading:**

- #46 Chapter 8, Section 8-708 GA Max Levels of Assistance
- #47 Authorizing Quit Claim Deed – Reconveyance of 258 Rankin Street

**Orders:**

- #88 Authorizing Blanket Letter of Approval – Games of Chance Licenses
- #89 Authorizing Blanket Letter of Approval – Beano/Bingo Licenses
- #90 Casting Ballot – MRC Board of Directors
- #91 Authorizing Mutual Agreement – Termination of REC Option
- #92 Authorizing License Agreement – Winter Street LLC



Crisis Pregnancy Center of Rockland

November 16, 2015

Mayor MacLellan-Ruf and Members of Council  
270 Pleasant Street  
Rockland, ME 04841

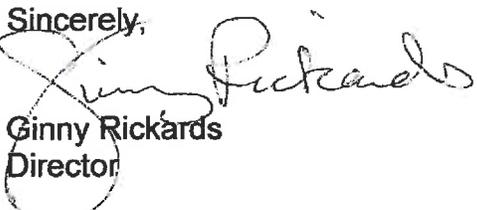
Dear Mayor and Members of Council:

Care Net Crisis Pregnancy Center of Rockland located at 462 Old County Road, recently received a variance from the Zoning Board to replace a sign that has been located in the public right-of-way on our property. The City of Rockland requires Care Net to obtain a license to leave the sign in the public right-of-way.

Would your office kindly issue Care Net a license giving us permission to replace the sign where it stands currently.

Thank you.

Sincerely,

  
Ginny Rickards  
Director



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

Name of Applicant Wiscamiter Inc dba LumeRock Inn Phone 594 2257

Address of Applicant 96 Lumerock St.  
Rockland, ME 04841

Name of Business LumeRock Inn Phone 594-2257

Address of Business 96 Lumerock St  
Rockland, ME 04841

Name of Property Owner (if different) Frank C Isganitis & Rudolf P. Walter

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

Type of Business Bed & Breakfast

Expiration of Current License 12/31/15

Fee(s) Paid \$100.00 Date 11/9/2015

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

Applicant's Signature [Signature] Date 11/9/2015

Approved By: [Signature] License # \_\_\_\_\_

[Signature] Approved  Inspected; See Report  Code Officer 12/1/15 Date

[Signature] Approved  Inspected; See Report  Fire Inspector \_\_\_\_\_ Date

[Signature] Approved  Inspected; See Report  Police Chief 11/8/15 Date

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

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

Name of Applicant 250 MAIN STREET, LLC Phone 207-354-2163

Address of Applicant 84 Knox Street, Thomaston, ME 04861

Name of Business 250 Main Phone 207-594-5994

Address of Business 250 Main Street, Rockland, ME 04841

Name of Property Owner (if different) \_\_\_\_\_

Type of License(s): \_\_\_\_\_ Liquor  Victualer <sup>\$150</sup> \_\_\_\_\_ Entertainment

Lodging House <sup>\$100</sup> \_\_\_\_\_ Commercial Hauler \_\_\_\_\_ Landscape Contractor

\_\_\_\_\_ Billiard Room \_\_\_\_\_ Second Hand Dealer \_\_\_\_\_ Other (Specify) \_\_\_\_\_

Type of Business 26 Room Hotel

Expiration of Current License N/A

Fee(s) Paid \$ 250 Date 10/27/15

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

Applicant's Signature [Signature] Date Oct 26, 2015

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

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

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

[Signature] \_\_\_\_\_ Police Chief 11/13/15 Date \_\_\_\_\_

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

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

Name of Applicant Rockland Lodge of Elks Phone 594-9266

Address of Applicant 210 Rawkin st P.O. Box 983 Rockland

Name of Business Same Phone \_\_\_\_\_

Address of Business \_\_\_\_\_

Name of Property Owner (if different) Same

Type of License(s):  Liquor  Victualer  Entertainment

Lodging House  Commercial Hauler  Landscape Contractor

Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business Club

Expiration of Current License 1/25/16

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

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

Applicant's Signature John W. Lubez Date 10/16/15

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

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

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

[Signature]  
Approved Inspected; See Report Police Chief 11/18/15 Date

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

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**



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

PRESENT LICENSE EXPIRES 1/25/16

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTINONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

|  |  |  |                                      |  |  |
|--|--|--|--------------------------------------|--|--|
| 1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.) |  |  | 2. Business Name (D/B/A)             |  |  |
| Rockland Lodge DOB:  |  |  | Rockland Lodge of Elks # 1008        |  |  |
| Benevolment Protective DOB:  |  |  | 210 Rankin St.                       |  |  |
| Order of Elks DOB:   |  |  | Location (Street Address)            |  |  |
| Address  |  |  | Rockland, Me. 04861                  |  |  |
| 210 Rankin St.   |  |  | City/Town State Zip Code             |  |  |
| Rockland, Me. 04841  |  |  | Mailing Address                      |  |  |
| City/Town State Zip Code   |  |  | P.O. Box 983                         |  |  |
| Rockland 594-9200 207-593-9172   |  |  | Rockland, Me. 04841                  |  |  |
| Telephone Number Fax Number  |  |  | Business Telephone Number Fax Number |  |  |
| 594-9200 207-593-9172  |  |  | 594-9200 207-593-9172                |  |  |
| Federal I.D.# 01-0027751   |  |  | Seller Certificate # 017045          |  |  |

3. If premises is a hotel, indicate number of rooms available for transient guests: 14 A
4. State amount of gross income from period of last license: ROOMS \$ — FOOD \$ 139,370 LIQUOR \$ 180,350
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES  NO

7. If manager is to be employed, give name: John W. Ludwig

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: 10:00 A.M. - 10: P.M.

9. Business records are located at: 210 PARKIN ST. ROCKLAND, Me.

10. Is/are applicants(s) citizens of the United States? YES  NO

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

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

| Name in Full (Print Clearly) | DOB            | Place of Birth       |
|------------------------------|----------------|----------------------|
| <u>John W. Ludwig</u>        | <u>7/31/44</u> | <u>Rockland, Me.</u> |
| <u>DONALD A. CRUDELL</u>     | <u>4/30/55</u> | <u>Rockland, Me.</u> |
| <u>ANGIE BROWN</u>           | <u>1/22/78</u> | <u>Rockport Me.</u>  |

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

Rockland, Me.

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

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

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

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 7.5 miles Which of the above is nearest? Church

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

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

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

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



**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and Enforcement**

|                             |       |
|-----------------------------|-------|
| <b>For Office Use Only:</b> |       |
| License #:                  | _____ |
| Date Filed:                 | _____ |

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

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

- Exact legal name:  
Rockland Lodge Benevolence Protective Order of Elks
- Other business name for your entity (DBA), if any:  
Rockland Elks Lodge
- Date of filing with the Secretary of State: March 16, 2015
- State in which you are formed: me.
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

| Name                   | Address for Previous 5 years         | Date of Birth   | Ownership % |
|------------------------|--------------------------------------|-----------------|-------------|
| <u>William Demmons</u> | <u>491 Patterson Mill Rd. Vasson</u> | <u>1/17/41</u>  | <u>0</u>    |
| <u>Dwayne Guy</u>      | <u>Camden St. Rockland, me.</u>      | <u>6/15/57</u>  | <u>0</u>    |
| <u>HARRY MANK</u>      | <u>Riverside Park, Camden, me.</u>   | <u>9/1/76</u>   | <u>6</u>    |
| <u>Steven O'Brien</u>  | <u>4 Scots R.D. Rockport, me.</u>    | <u>11/26/54</u> | <u>0</u>    |

- Is any principal person involved with the entity a law enforcement official?  
 Yes  No

- If Yes to Question 7, please provide the name and law enforcement agency:  
 Name: \_\_\_\_\_ Agency: \_\_\_\_\_

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

Yes  No

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

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

\_\_\_\_\_

**Signature:**

William A. Demmons  
Signature of Duly Authorized Person

10/14/15  
Date

William A. Demmons  
Print Name of Duly Authorized Person

---

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
164 State House Station  
Augusta, Me 04333-0101  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3424  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

**City of Rockland, Maine**  
**Application for Outdoor Sale of Alcohol**

Name of Applicant Rockland Lodge of Elks Phone 594-9200  
Address of Applicant 210 Rankin St. P.O. Box 983 Rockland, Me.  
Name of Business Rockland Elks Phone 594-9200  
Address of Business 210 Rankin St. Rockland, Me. 04841  
Location of Proposed Outdoor Sale of Alcohol \_\_\_\_\_  
Date Liquor License Issued 1/25/15

**Applications will not be approved unless inspected by the Code Enforcement Officer, Police Chief and Fire Chief and they are satisfied that all necessary steps will be taken to assure public safety and compliance with all applicable laws.**

Information Required on all Applications for Outdoor Sale of Alcohol (use back of application for additional space or attach requested information):

1. Site Plan of suitable scale demarcating area for proposed sale and consumption, location of ingress and egress, fencing, buildings, streets, driveways and sidewalks.
2. Method of enclosure of proposed area (fencing - type of construction):  
over  
Roped off For Horseshoe, Deck Area Fenced
3. Hours and days of operation:  
Horseshoe's May - Oct. Monday's May To Oct. Deck Area During good weather  
Summer - Fall
4. Hours and days gate attendant will be present:  
Deck Area 12:00 P.M. - 10:00 P.M. Every Day

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

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

Police Chief: [Signature] Date: 1/15/15  
 Approved

City Council Approved  
per City Clerk: \_\_\_\_\_ Date: \_\_\_\_\_

WOODS

Horse shoe Pitts

Roped OFF

DRIVE WAY

LAWN AREA

Stair

Fence

Deck Area

Door

Elks Building

Flag  
pole

**City of Rockland, Maine**  
**Application for Outdoor Sale of Alcohol**

Name of Applicant Rockland Lodge of Elks Phone 594-9200  
Address of Applicant 210 Rankin St. P.O. Box 983 Rockland, Me.  
Name of Business Rockland Elks Phone 594-9200  
Address of Business 210 Rankin St. Rockland, Me. 04841  
Location of Proposed Outdoor Sale of Alcohol \_\_\_\_\_  
Date Liquor License Issued 1/25/15

**Applications will not be approved unless inspected by the Code Enforcement Officer, Police Chief and Fire Chief and they are satisfied that all necessary steps will be taken to assure public safety and compliance with all applicable laws.**

Information Required on all Applications for Outdoor Sale of Alcohol (use back of application for additional space or attach requested information):

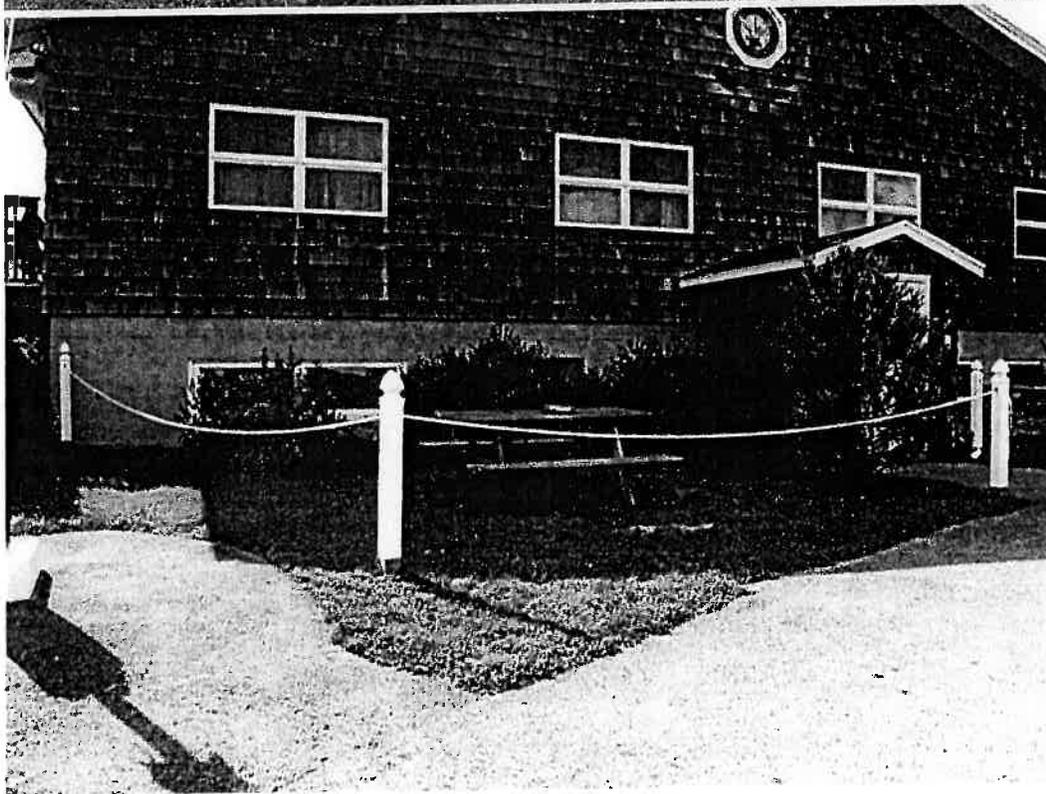
1. Site Plan of suitable scale demarcating area for proposed sale and consumption, location of ingress and egress, fencing, buildings, streets, driveways and sidewalks.  
*over*
2. Method of enclosure of proposed area (fencing - type of construction):  
*Roped off area next to flag pole*
3. Hours and days of operation:  
*10:00 A.M. - 10:00 P.M. Every Day*
4. Hours and days gate attendant will be present:  
*10:00 A.M. - 10:00 P.M. Every Day*

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

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

Police Chief: [Signature] Date: 1/25/15  
 Approved

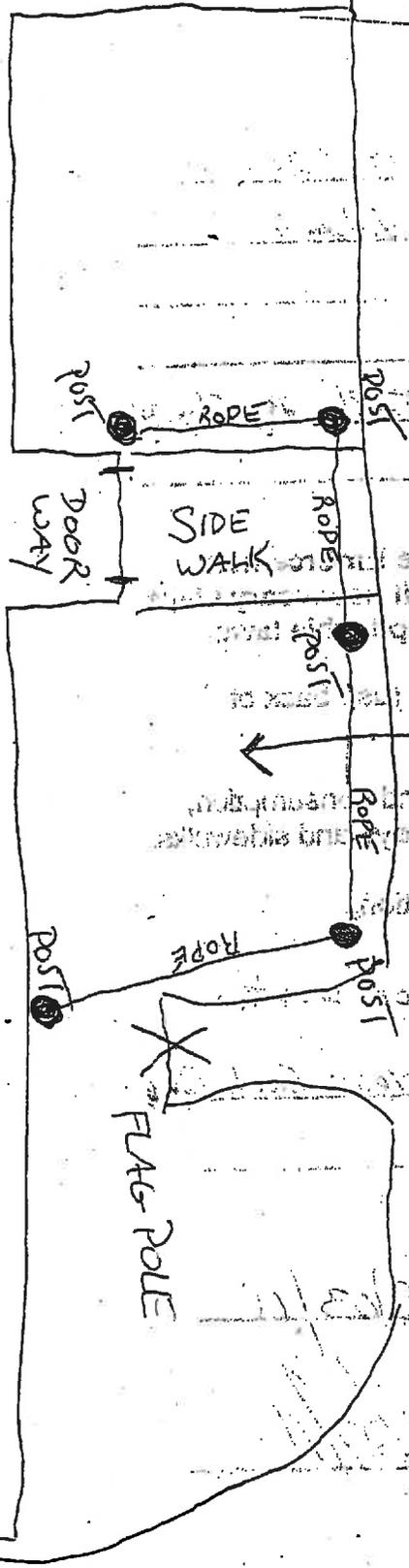
City Council Approved  
per City Clerk: \_\_\_\_\_ Date: \_\_\_\_\_



DIRS LOT 14C

GARDEN

DRIVE THRU



ROPE OFF AREA

PARKING LOT



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

Name of Applicant Jessie Davis Phone 207-701-5053

Address of Applicant 315 Main St Suite 207  
Rockland, Me 04841

Name of Business Friends of The Strand Theatre Phone 207-594-0070

Address of Business 345 Main St  
Rockland, Me 04841

Name of Property Owner (if different) \_\_\_\_\_

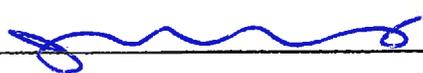
Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Merchant  Other (Specify) Motion Picture

Type of Business Entertainment / Theatre

Expiration of Current License 1-15-16

Fee(s) Paid \$450.00 Date 11-23-15

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

Applicant's Signature  Date 11/23/15

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

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

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

\_\_\_\_\_  
Police Chief \_\_\_\_\_ Date \_\_\_\_\_

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

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**



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

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

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

PRESENT LICENSE EXPIRES 1-15-16

INDICATE TYPE OF PRIVILEGE:  MALT     SPIRITUOUS     VINOUS

**INDICATE TYPE OF LICENSE:**

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

REFER TO PAGE 3 FOR FEE SCHEDULE Class III & IV

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

|  |  |  |                           |  |  |
|--|--|--|---------------------------|--|--|
| 1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) |  |  | 2. Business Name (D/B/A)  |  |  |
| DOB:   |  |  | Strand Theatre            |  |  |
| Friends of The   |  |  | DOB:                      |  |  |
| Strand Theatre   |  |  | 345 Main Street           |  |  |
| Address  |  |  | Location (Street Address) |  |  |
| 345 Main St  |  |  | Rockland Me 04841         |  |  |
| City/Town  |  |  | Mailing Address           |  |  |
| Rockland   |  |  | PO Box 433                |  |  |
| State  |  |  | City/Town                 |  |  |
| Me   |  |  | Rockland                  |  |  |
| Zip Code   |  |  | State                     |  |  |
| 04841  |  |  | Me                        |  |  |
| Zip Code   |  |  | Zip Code                  |  |  |
| 04841  |  |  | 04841                     |  |  |
| Telephone Number   |  |  | Business Telephone Number |  |  |
| 207-594-0070   |  |  | 207-701-5053              |  |  |
| Fax Number   |  |  | Fax Number                |  |  |
| Federal I.D. #   |  |  | Seller Certificate #      |  |  |
| 46-3330177   |  |  |                           |  |  |

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ N/A LIQUOR \$ N/A
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES  NO

7. If manager is to be employed, give name: Jessie Davis
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
 Requested inspection date: M-F Business hours: 12-4pm
9. Business records are located at: 315 Main St Suite 207 Rockland Me 04841
10. Is/are applicants(s) citizens of the United States? YES  NO
11. Is/are applicant(s) residents of the State of Maine? YES  NO

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

| Name in Full (Print Clearly)  | DOB                              | Place of Birth     |
|---|----------------------------------|--------------------|
| <u>J. Dandis</u>  | <u>7/20/1951</u>                 | <u>Rockland Me</u> |
| <u>Jessie Davis</u>   | <u>7/3/1977</u>                  | <u>Maine, USA</u>  |
| <u>Timothea Elizabeth McLeod</u>  | <u>5/28/1963</u>                 | <u>Maine, USA</u>  |
| Residence address on all of the above for previous 5 years (Limit answer to city & state) |                                  |                    |
| <u>Dandis = Camden, Me</u>  | <u>McLeod = Rockland, Me</u>     |                    |
| <u>Davis = Rockland, Me</u>   | <u>Thompson = Port Clyde, Me</u> |                    |

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Film & Performing Arts Center Beer & Wine Sales

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

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

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO   
 If YES, give details: Gifts & Donations

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

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

**CITY OF ROCKLAND, MAINE**

**RESOLVE #50**

**IN CITY COUNCIL**

December 14, 2015

**RESOLVE** Re-Appointments to Boards, Commission and Committees

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

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

**PLANNING BOARD:**

Peta vanVuuren, 287 Broadway (2018)

**PERSONNEL BOARD:**

Rudolf P.J. Walter, 96 Limerock Street (2018)

**ZONING BOARD OF APPEALS:**

Carol Maines, 186 North Main Street (2018)

**COMPREHENSIVE PLANNING COMMISSION:**

Ann Morris, 60 Lake Avenue (2018)

Michelle Gifford, 57 Pacific Street (2018)

**HARBOR MANAGEMENT COMMISSION:**

Melissa Maker, 130 Thomaston Street (2018)

Richard Whitman, 29 State Street (2018)

Howard Edwards, Jr., 146 Rankin Street (2018)

**PARKS COMMISSION:**

Alison Weaver, 30 Chestnut St. Apt. C (2018)

**COAST GUARD CITY ADVISORY COMMITTEE:**

Nancy Jeffers, 15 Tea Street (2018)

**ENERGY ADVISORY COMMITTEE:**

Anthony Coyne, 41 Highland Street (2018)

**LIBRARY ADVISORY COMMITTEE:**

Carol Miller, 17 Katahdin Avenue (2018)

Gregory Pinto, 195 Broadway (2018)

Sponsor: Mayor MacLellan-Ruf

Originator: Mayor MacLellan-Ruf

**CITY OF ROCKLAND, MAINE**

**RESOLVE #51**

**IN CITY COUNCIL**

**December 14, 2015**

**RESOLVE** Commendation – Adam Miceli

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

**THAT** Acting Fire Chief Adam Miceli is hereby commended and congratulated for 20 years of service to the City of Rockland as a member of the Rockland Fire Department.

**AND**, be it further Resolved that a Plaque and a Certificate of Commendation be presented to Chief Miceli as a token of the City's appreciation for his years of service to the Community.

Sponsor: City Council  
Originator: City Council

**CITY OF ROCKLAND, MAINE**

**RESOLVE #52**

**IN CITY COUNCIL**

December 14, 2015

**RESOLVE** Establishing Positions and Confirming Appointments – Assistant Public Services Director and Assistant City Manager

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

**THAT** there is hereby established the position of Assistant Public Services Director within the Department of Public Services, and the appointment by the City Manager of Christopher Donlin to fill that position is hereby confirmed.

**AND**, be it further Resolved that there is hereby established the position of Assistant City Manager within the Executive Department, and the appointment by the City Manager of Audra Caler-Bell to fill that position is hereby confirmed.

Sponsor: City Council  
Originator: City Council

**CITY OF ROCKLAND, MAINE**

**RESOLVE #53**

**IN CITY COUNCIL**

December 14, 2015

**RESOLVE** Accepting Donation - Fire Department

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

**THAT** The City of Rockland gratefully accepts the donation from Home Depot to the Rockland Fire Department of 50 smoke detectors to be distributed by the Fire Department as it sees fit.

**AND**, be it further Resolved that a letter of thanks be sent to Home Depot in recognition of its generous donation.

Sponsor: City Council  
Originator: City Council

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #41  
(As Amended 11/09/15)  
IN CITY COUNCIL

October 14, 2015

**ORDINANCE AMENDMENT:**    **Licensing of Lodging Houses and  
Permitting of ~~Transient Residential Accommodations~~  
Short Term Rentals**

**WHEREAS, Title 30-A, Maine Revised Statutes, Section 3811, provides that no person may serve as a common innkeeper or tavernkeeper without a license; and**

**WHEREAS, the Rockland Code of Ordinances does not currently provide for the licensure of innkeepers of ~~transient accommodations~~ short term rentals,**

**NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, ARTICLE II, Licenses, When Required, SECTION 11-210, Lodging Houses, BE AMENDED AS FOLLOWS:**

**Sec. 11-210 Lodging Houses And ~~Transient Residential Accommodations~~ Short Term Rentals**

1. Lodging House License.

A. License Required. No person shall operate a Lodging Hhouse ~~for five (5) lodgers or more,~~ without first obtaining annually a one-year license therefor from the City Council.

B. Definitions. For the purposes of this subsection<sup>1</sup>

“Lodging house” means a house or other residential structure where lodgings for four or more but fewer than 16 persons not within the 2<sup>nd</sup> degree of kindred to the person operating the lodging house are offered for rent. “Lodging house” does not include dormitories of charitable, educational or philanthropic institutions, or the emergency use of private dwellings at the time of conventions or similar public gatherings.

B. Certifications; Public Hearing. Such license shall not be granted except upon the certification of the Police Chief, Fire Chief, Code Enforcement Officer (Building Inspector), and Plumbing Inspector pursuant to this Section ~~and as per Section 11-106 of this Ordinance.~~

Prior to granting such licenses, the City Council shall hold a public hearing, notice of which shall be posted in ~~atwø~~ public locations/ and advertised at least seven days before the hearingmeeting.

There shall be a non-refundable application and/or annual license fee for the Lodging

House License which shall be set by Order of the City Council.

C. Standards. Following the public hearing, the City Council may condition or deny any Lodging House license upon the basis of a recommended condition or denial of certification by either the Police Chief, Fire Chief, Code Enforcement Officer, or Plumbing Inspector pursuant to Section 11-106. The City Council may condition, suspend or revoke a Lodging House License, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

**State Law Reference:** 30-A M.R.S. § 3801 & § 3811.

2. ~~Transient Residential Accommodations~~ Short Term Rentals Permit.

A. Purpose. The purpose of the ~~Transient Residential Accommodations~~ Short Term Rentals Permit is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of ~~transient short term~~ guests, for compensation, for periods of less than one month, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. ~~Transient Residential Accommodations~~ Short Term Rentals Permits and the revenue they make available to homeowners and others helps makes Rockland affordable for persons on fixed or limited incomes; enhances and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Rockland and the Midcoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for ~~transient residential accommodations~~ short term rentals may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the City because they impair the livability and desirability of Rockland neighborhoods for year-round residential uses.

B. Permit Required. No person shall operate a ~~Transient Residential Accommodation~~ Short Term Rental without first obtaining annually a one-year permit therefor from the Code Enforcement Office.

C. Definitions. For the purposes of this Subsection<sup>1</sup>:

(1)–“Minimum Stay Period” means the minimum number of nights for which a ~~Transient Residential Accommodation~~ Short Term Rental may be rented to guests. Guests may stay for less than the minimum stay period provided that the STR remains vacant until the end of the minimum stay period. (For example, if the *minimum stay period is four (4) nights, this does not preclude rental to guests for two (2) nights, provided the unit remains unrented for the two (2) subsequent nights before being occupied again as a ~~transient residential accommodations~~ short term rental.*)

(2) “Owner- or Lessee-Occupied” describes a dwelling unit that is such owner’s or

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<sup>1</sup> See Ch. 19, Art. III, Sec. 19-302 for definitions of words and phrases not defined herein.

lessee's primary residence and is occupied, including over-night, by such owner or lessee when any part of the structure is rented as a ~~transient residential accommodation~~ short term rental.

(3) "~~Transient Residential Accommodation Short Term Rental~~" ("TRA STR") means the use of all or part of a legally-existing dwelling unit for short-term rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month, as follows:

(a) ~~Transient Residential Accommodation Short Term Rental – 1 ("TRA STR-1")~~ means either:

(i) an owner- or lessee-occupied single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or

(ii) a dwelling unit in a two-family structure in which one unit is occupied by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.

(b) ~~Transient Residential Accommodation Short Term Rental – 2 ("TRA STR-2")~~ means either:

(i) a single-family structure that is not occupied by its owner or lessee that is rented or offered for rent to one person or one family for periods of less than one month, or

(ii) one dwelling unit in a non-owner occupied two-family structure rented or offered for rent to one person or one family for periods of less than one month.

(c) ~~Transient Residential Accommodation Short Term Rental – 3 ("TRA STR-3")~~ means one dwelling unit in a multi-family or mixed-use structure ~~where such structure has an approved, functional sprinkler system that is not necessarily occupied by its owner or lessee and~~ that is rented or offered for rent to one person or one family for periods of less than one month. ~~A multi-family structure located in a zone other than the Residential A, AA or B Zones that permits lodging houses shall be permitted to rent any or all units under this section provided that the structure is in full compliance with Chapter 26 of NFPA 101 Live Safety Code/2012.~~

D. Application; Fee. The City Council may establish a non-refundable application fee for ~~Transient Residential Accommodations Short Term Rental Permits~~, and/or a permit fee which may include a graduated fee schedule on the basis of the number of rooms of the facility and/or other criteria such as residency.

E. Notice. Within seven (7) days of receipt of a complete application for a ~~Transient~~

Residential Accommodation Short Term Rental Permit, the City Clerk shall submit the application to the Code Enforcement Officer and, by U.S. Mail, First Class, provide notice of such application to the owner(s) of record of abutting parcels, including owner(s) of record of parcels located directly across a street or other way from the subject parcel, at least seven (7) days prior to issuing such license. Such notice shall include the name, address, and telephone number of the person(s) responsible for management of the TRA STR. Notice is effective upon mailing.

F. Permitting Authority; Review Criteria. The authorized Permitting Authority shall grant, grant with conditions, or deny applications for Transient Residential Accommodations Short Term Rental Permits, applying the level of review criteria ("Review Level") as defined below, consistent with Table 11-210(2), no sooner than fourteen (14) days after the Clerk mails notice of such application to abutters pursuant to Subsection E and no later than thirty (30) days when the Code Enforcement Officer is the Permitting Authority, or sixty (60) days when the Planning Board is the Permitting Authority. When the application is for the renewal of a current Transient Residential Accommodations Short Term Rental Permit and the permittee is in compliance with this and other applicable Ordinances, the City Clerk may grant an administrative extension of such current permit for up to thirty (30) days when reasonably necessary to allow the continuance of the accommodations during the permit review and renewal process. All Transient Residential Accommodations Short Term Rentals are also subject to the Additional Requirements set forth in Subsection G.

Review Level I:                      Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner or lessee, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a TRA STR.

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

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

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

Review Level II:                      Applicant shall demonstrate compliance with applicable<sup>2</sup> building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief

<sup>2</sup> See Chapter 4 – Buildings, Inspections & Enforcement.

or their designees.

Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner, lessee, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a TRA STR.

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

Applicant shall provide two on-site parking spaces if a single-family structure; one and one-half on-site parking spaces for each dwelling unit in a two- or multi-family structure.

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

When the Planning Board is the Permitting Authority, it shall grant, condition, or deny the application by taking into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances.

Table 11-210(2)

| <u>Type of Accommodation</u> | <u>Type of Structure</u>  | <u>Minimum Stay Period</u>                           | <u>Permitting Authority in Residential AA, A, and B Zones</u> | <u>Permitting Authority in Other Zones</u> | <u>Review Level</u> |
|------------------------------|---|--|---|--|---------------------|
| <u>TRA STR-1</u>             | <u>Single-Family (rental of one room in owner-occupied structure or one unit in an owner-occupied two-family structure)</u> | <u>1 night up to less than 1 month</u>               | <u>Code Office</u>  | <u>Code Office</u>                         | <u>I</u>            |
| <u>TRA STR-2</u>             | <u>Single-Family (whole house)</u>  | <u><del>4</del> 3 nights up to less than 1 month</u> | <u>Planning Board</u>   | <u>Code Office</u>                         | <u>I</u>            |

|                  |   |   |                       |                       |           |
|------------------|---|---|-----------------------|-----------------------|-----------|
|                  | <u>Two-Family (one unit rented monthly and one unit rented less than one month)</u> | <u>-4- 3 nights up to less than 1 month</u> | <u>Planning Board</u> | <u>Code Office</u>    | <u>I</u>  |
| <u>TRA STR-3</u> | <u>Multi-Family or Mixed Use</u>  | <u>-4- 3 nights up to less than 1 month</u> | <u>Planning Board</u> | <u>Planning Board</u> | <u>II</u> |

G. Additional Requirements. In addition to the standards set forth in Section 11-106 and other applicable law, ordinance, or regulations, the following criteria shall apply to applications for Transient Residential Accommodations Short Term Rentals:

- (1) The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a TRA STR shall be in compliance with that of a “one-family dwelling” as described in Chapter 24 § 24.1.1.1 of NFPA 101 Life Safety Code/2012;
- (2) TRA STR rentals shall be to a single person or family;
- (3) The maximum occupancy shall be limited to two people per existing bedroom plus no more than two additional children under the age of twelve;
- (4) Provided that there are approved fire separations between dwelling units in an existing duplex or condominium structure, each unit under separate, unrelated or affiliated ownership shall be considered a single-family structure for the purposes of Transient Residential Accommodations Short Term Rentals Permit provisions. New condominium units established after October 1, 2015, may not be used for Transient Residential Accommodations Short Term Rentals;
- (5) Multi-family dwellings must be a permitted use in the zone in which it is located in order to rent any unit as a TRA STR-3;:
- (6) An approved functional sprinkler system is required in any multi-family dwelling in which a single unit is used as a TRA STR-3;:
- (7) A multi-family structure located in zones other than Residential “A”, “AA” or “B” zones, and where the zone in which the multi-family dwelling is located permits Lodging, Rooming or Boarding Houses and/or Hotels, shall be permitted to rent any or all dwelling units for any period less than a month. Such multi-family dwelling must have approved functional sprinkler and fire alarm systems. The total number of guests occupying such TRA STR-3 shall not exceed sixteen (16);
- (8) No detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home may be permitted or rented as a transient residential accommodation;
- (9) The use of a dwelling unit as a TRA STR does not violate any applicable lease, rental agreement, condition of municipal approval, covenant, or other lawful restriction on

the use of the parcel:

- (10) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a TRA STR is not permitted, either on- or off-site;
- (11) The Permittee must maintain accurate, up-to-date records of all rental transactions in the TRA STR, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (12) The Permittee must post in plain sight to visitors near the entrance ~~and in each rented bedroom~~ a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the TRA STR, and, when the TRA STR is not subject inspection by the City's Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

NOTICE

The Operator of these accommodations, [print permittee's name] has been granted a City of Rockland ~~Transient Residential Accommodations~~ Short Term Rentals Permit, Permit No. \_\_\_\_\_, pursuant to Rockland Code of Ordinances, Ch. 11, Art. II, Sec. 11-210(2). THE GRANTING OF THIS PERMIT DOES NOT CONSTITUTE A FINDING BY THE CITY OF ROCKLAND OR OTHER CODE ENFORCEMENT AUTHORITY THAT THE PREMISES ARE IN COMPLIANCE WITH APPLICABLE BUILDING, PROPERTY MAINTENANCE, FIRE PREVENTION, LIFE SAFETY, OR OTHER APPLICABLE CODES OR REGULATIONS. No inspection for compliance with such regulations has been conducted, and none is required for Operator to acquire a ~~Transient Accommodations Short Term Rental Permit~~ or to conduct that business at these premises so long as the Operator's use of the premises is in conformance with and does not exceed the scope of the ~~Transient Residential Accommodations Short Term Rentals Permit~~;

- (13) The Permittee must assure that each advertisement of the TRA STR includes Permittee's City of Rockland ~~Transient Accommodations Short Term Rentals Permit~~ number; and.
- (14) Renters of ~~transient residential accommodations~~ short term rentals may not sublease any portion of the ~~transient residential accommodation~~ short term rental to another person, family, or entity.

H. Complaints. Complaints regarding TRAs STRs filed with the Police Department shall be brought to the attention of the Code Enforcement Officer as soon as practicable. Any person may also file a complaint with the Code Enforcement Officer. The Code Enforcement Officer

shall establish and maintain a log of all complaints for each TRA STR received and substantiated by the City. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Permittee.

I. Suspension, Revocation, or Denial of Permit. The Permitting Authority may deny any ~~Transient Residential Accommodation~~ Short Term Rental Permit upon failure of the applicant to meet all regulations set forth in this section. When, in the judgement of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the TRA STR, he shall provide a report of the same to the City Council for its consideration. The City Council may condition, suspend, or revoke a ~~Transient Residential Accommodation~~ Short Term Rental Permit, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

### 3. Penalties.

A. Operation Without Permit. Whoever operates a lodging house or ~~transient residential accommodation~~ short term rental without a license or permit therefor shall be penalized with a fine of five hundred dollars (\$500) for the first offense and additional fines of one thousand dollars (\$1,000) for each additional offense, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each rental of any room or other transient accommodation shall constitute a separate offense.

B. Violation of Law, Ordinance, or Regulation. A lodging house licensee or ~~transient residential accommodation~~ short term rental permittee who violates any applicable law, ordinance, or regulation and who, following notice by the Code Enforcement Officer fails to abate such violation within the period prescribed shall be penalized with a fine of two hundred and fifty dollars for each such violation, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each day such violation is allowed to continue shall constitute a separate violation.

C. In addition to or instead of such penalty(ies), in the sole the discretion of the City, the City may seek an injunction prohibiting the operation of the lodging house or ~~transient residential accommodation~~ short term rental until the offense or violation shall have been abated.

4. Transitional Provisions. Notwithstanding anything to the contrary herein, the provisions in this Ordinance Amendment relating to the permitting of ~~transient residential accommodations~~ short term rentals, and penalties for violations of such provisions, shall be implemented as follows:

A. Permitting Authority. The Code Enforcement Officer shall serve as the Permitting Authority for all applications for ~~Transient Residential Accommodations~~ Short Term Rental Permits received between the effective date of Ordinance Amendment 15-41 and April 30, 2016;

B. Deadline. The Code Enforcement Officer shall have sixty (60) days to grant, grant with conditions, or deny applications for ~~Transient Residential Accommodations~~ Short Term Rental Permits received on or before April 30, 2016; and

C. Reservations.

(1) Persons or entities who operated a ~~transient residential accommodation~~ short term rental in Rockland at any time between January 1, 2015, and December 1, 2015, which ~~TRA STR~~ is not of a type that may be permitted as a ~~TRA STR-1, TRA STR-2, or TRA STR-3~~, and who received reservations for ~~transient residential accommodations~~ short term rentals at the same premises between December 1, 2015, and April 30, 2016, may honor such reservations and provide such ~~transient residential accommodations~~ short term rentals without a permit therefor. No new reservations for ~~transient residential accommodations~~ short term rentals may be accepted after the effective date of this ordinance unless such ~~accommodations~~ rentals were offered for rent in 2015 prior to December 1, and – if permitted – would fall within the definition of a ~~TRA STR-1, TRA STR-2, or TRA STR-3~~.

(2) Persons or entities who operated a ~~transient residential accommodation~~ short term rental in Rockland at any time between January 1, 2015, and December 1, 2015, which ~~TRA STR~~, if permitted, would fall within the definition of a ~~TRA STR-1, TRA STR-2, or TRA STR-3~~, and who prior to April 30, 2016, receive reservations for ~~transient residential accommodations~~ short term rentals at the same premises between December 1, 2015, and October 30, 2016, may honor such reservations and provide such ~~transient residential accommodations~~ short term rentals without a permit therefor. No new reservations for such ~~transient residential accommodations~~ short term rentals may be accepted after April 30, 2016, unless the premises have been permitted therefor.

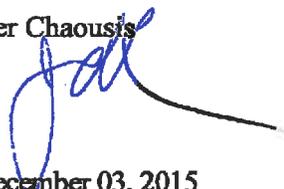
Sponsor: City Council  
Originator: Code Enforcement Officer

*(postponed 10/14/15 to 11/9/15)*

First Reading 11/9/15  
First Publication 11/19/15  
Public Hearing 12/14/15  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

City of Rockland  
Code Enforcement Office

# Memo

To: City Manager Chaouis  
From: John Root   
CC:  
Date: Thursday, December 03, 2015  
Re: Short Term Rentals

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It is very likely that in July of 2016, the State of Maine will update the Maine Uniform Building and Energy Code (MUBEC) to include the International Building Code/2015 (IBC) and the International Residential Code/2015 (IRC). As a municipality with a population of 4,000 or greater, State law requires the City of Rockland to enforce these codes. I will be unable to attend the City Council meeting on December 14, as I am scheduled for two-day training in Portland beginning on the 14th. The training is put on by an International Code Council (ICC) instructor and will center on updates from the currently adopted 2009 ICC Codes to the 2015 ICC Codes.

It was inevitable that newer versions of ICC Codes, as well as NFPA 101, would begin to address the matter of short term rental. Although difficult to do without copies of the code, I have done some preliminary research on how changes might affect short-term rentals. It is clear that they will, but I have many questions. The MUBEC Board and various TAG Committees thoroughly review all codes that will be adopted and make amendments that resolve conflicts with other codes. They also discuss potential amendments in general; many of which might provide clarification for those who must work with the codes.

Although I believe we have made significant progress on crafting a reasonable ordinance that will provide minimal regulations for short term rental businesses, after reviewing some of the proposed code changes that I was able to find, I am concerned that we might adopt regulations that could be in conflict with updated ICC Codes. Municipalities have no authority to amend MUBEC. Therefore I am asking that the City Council consider delaying any further action on Ordinance Amendments #41 & #42, at least until January 2016. This will give me the opportunity to attend training on the new code updates and ask specific questions. Hopefully in January I will be able to provide the Council with more definitive answers about how MUBEC might affect short term rentals. At that point we can decide how to proceed. I am also willing to work with the MUBEC Board and TAG Committees to try to provide further clarity with regards to short term rentals when amending the codes for adoption by the State.

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #42  
(As Amended 11/09/15)  
IN CITY COUNCIL

October 14, 2015

**ORDINANCE AMENDMENT:   Zoning Provisions for ~~Transient~~  
Residential Accommodations Short Term Rentals**

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

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

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

\*                   \*                   \*

**Bed and Breakfast Establishments.** Except as permitted pursuant to Ch. 11, Art. II, Sec. 11-210(2), the following definition shall apply:

- a. ~~The following definition shall apply: Bed and Breakfast.~~ Any dwelling in which two (2) or more bedrooms for transient lodging or boarding and lodging are provided and offered to ~~the public~~ one or more persons or families by the owner for compensation for less than one week. Except as otherwise provided, this property shall also be the full-time, permanent residence of its owner during periods of operation. There shall be no provisions for cooking in any individual guest room. The maximum guest occupancy shall be 16 / night
- b. No food or drink of any kind shall be sold to the general public.
- c. For a Bed and Breakfast in a residential zone, no more than eight (8) rooms may be rented unless the property has multiple buildings existing prior to April 10, 2002. In that case, additional rooms may be rented in the additional building or buildings up to a total of twelve (12) rooms on the property. The expansion must be made wholly within the building existing as of April 10, 2002.

Unless presented together initially, each multiple existing building being opened as a Bed and Breakfast Inn will require its own Site Plan Review and approval from the Planning Commission.

**Dwelling Unit:** A room or suite of rooms that are arranged, designed, used, or intended for use as a self-contained housekeeping unit, separated from other such rooms or suites of rooms, and contains living, kitchen, and sleeping facilities for one person, or one family, including single-family homes and the separated units in a duplex, apartment house, multi-family

dwelling, and residential condominium.

~~A room or suite of rooms that is used as a habitation, which is separate from other such rooms or suites of rooms, and which contains living, cooking, and sleeping facilities, includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.~~

**Dwelling, One-Family or Dwelling, Single-Family:** The use, for zoning purposes, of a single-family structure by its owner or the owner's tenant as a residence for a person or a family for a term of at least one month, except as otherwise provided under Title 30-A, Maine Revised Statutes, Section 4357-A – Community Living Arrangements, as amended.

~~A building containing not more than one (1) dwelling unit in which the dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms, with exceptions as mandated in Title 30-A Section 4357-A: Community living arrangements, as amended.~~

**Structure, Single-Family:** A building containing not more than one (1) dwelling unit.

**Dwelling, Two-Family:** The use, for zoning purposes, of each dwelling unit in a two-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month.

~~A building containing not more than two (2) dwelling units in which each dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms.~~

**Structure, Two-Family:** A building containing two (2) dwelling units.

**Dwelling, Multi-Family~~ple~~.** The use, for zoning purposes, of each dwelling unit in a multi-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month, including apartment houses and apartment hotels, but excluding boarding houses, inns, lodging houses, hotels, motels, and other transient residential accommodations short term rentals.

**Dwelling; Multiple.** ~~A "multiple dwelling" means a building or portion thereof used or intended to be used or occupied as a permanent residence, more or less, by three (3) or more families living independently of each other, including apartment houses and apartment hotels, but excluding boarding houses, lodging houses, hotels and motels. The latter terms shall mean a building or buildings divided into individual rooms or suites of rooms which are rented or used or designed to be used primarily for sleeping purposes where the building(s) has only general kitchen and dining facilities or where the rooms which are rented contain no extensive cooking facilities.~~

**Structure, Multi-Family:** A building containing three (3) or more dwelling units.

**Family.** Two or more persons related by blood, marriage, civil union, or adoption who

reside together as a single housekeeping unit, sharing common kitchen and bathroom facilities. A “family” for zoning purposes may also consist of (1) two or more persons related by blood, marriage, civil union, or adoption and no more than three additional persons who are not so related, or (2) no more than three unrelated persons, who occupy a dwelling unit as a single housekeeping unit, sharing common kitchen and bathroom facilities.

~~“Family” means one (1) or more persons living, sleeping, cooking and eating on the same premises as a single house keeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.~~

**Hotel:** A commercial establishment offering sleeping accommodations for seventeen (17) or more travelers and others on a transient or semi-permanent basis, sometimes including varying levels of accessory services for occupants and/or the general public such as restaurants, shops, and meeting rooms.

~~A building or groups of buildings under the same management in which there are sleeping accommodations for more than sixteen (16) persons and primarily used by transients for lodging with or without meals.~~

\* \* \*

**Kitchen Facility(ies).** “Kitchen Facility,” both in its singular or plural form, shall mean an area that contains any, some, or all of the following facilities for food preparation, storage, and/or sanitation: a stove, oven, convection oven, microwave, hotplate or other cooking or food warming equipment; any size refrigerator or freezer; and/or any type of sink, including a bar sink or wet-bar but not including a bathroom sink.

~~**Lodging Facilities.** A facility that offers accommodations for a fee.~~

~~**Lodging, or Rooming, or Boarding House:** A building other than single-, two-, or multi-family structure in which a licensed operator provides, for a fee, sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals served to occupants only, but without separate kitchen facilities for individual occupants; provided however that the building may include a separate, additional dwelling unit occupied by the owner or manager that includes kitchen facilities for such owner or manager’s personal use.~~

~~**Lodging or Rooming House:** Buildings that provide sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.~~

\* \* \*

~~**Transient Residential Accommodation Short Term Rental (“TRA STR”).** The use of all or part of a legally-existing dwelling unit for short-term rental to a person or family unrelated to the owner or lessee of the unit, for consideration, for periods of less than one month.~~

**Sec. 19-309 Special Use Classes ~~Exceptions and Exemptions~~**

\* \* \*

3. ~~Transient Residential Accommodations~~ Short Term Rentals.

A. Permitted ~~Transient Residential Accommodations~~ Short Term Rentals. In any zone, existing single-, two-, and multi-family structures may be used as ~~Transient Residential Accommodations~~ Short Term Rentals upon the issuance of a ~~Transient Residential Accommodations~~ Short Term Rentals Permit for the premises pursuant to Chapter 11, Article II, Section 11-210. Notwithstanding anything to the contrary in this section, Planning Board review of ~~Transient Residential Accommodations~~ Short Term Rentals as a Special Use Class shall not be required when the Code Office is the designated Permitting Authority pursuant to Chapter 11, Article II, Section 11-210(2).

B. Prohibited ~~Transient Residential Accommodations~~ Short Term Rentals. No person may offer for rent, rent, operate, or otherwise use any parcel in the City of Rockland for ~~Transient Residential Accommodations~~ Short Term Rentals if:

(1) Such person has not secured or maintained a valid ~~Transient Residential Accommodations Permit~~ Short Term Rentals Permit for the premises; or

(2) The accommodations are ~~an accessory apartment,~~ a detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home.

Sponsor: Mayor Isganitis  
Originator: Code Enforcement Officer

*Postponed 10/14/15 to 11/9/15*

First Reading 11/9/15  
First Publication 11/19/15  
Public Hearing 12/14/15  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #43  
IN CITY COUNCIL**

November 9, 2015

**ORDINANCE AMENDMENT: Amending Minimum Front Setback from Publicly-Accessible Park or Plaza**

**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 Regulations and SUBSECTION 19-304(23), Tillson Avenue Area Overlay Zone 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.

\* \* \*

**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 304-14

**"DT" ZONE**

\* \* \*

|  |   |
|--|---|
| <p><b>Maximum Front Setback (Principal and Accessory Structures)</b></p> | <p><u>Five feet from property line for no less than 40% of the building façade (first floor) as measured linearly. Fifteen feet from property line for the remainder of the building façade (all floors) as measured linearly. Such Maximum Front Setbacks shall be measured from the inside edge of any park, plaza, or other exterior portion of the lot that abuts the primary street and to which the lot owner has granted the City of Rockland a public access easement in a form acceptable to the City Attorney. The inside edge shall be that point of the longest line or, in the event of a round or oval space, the curve formed by the publicly-accessible park, plaza or similar area, that is located closest to the principal façade of the proposed structure.</u></p> |
| <p><b>Minimum Front Setback (Principal and Accessory Structures)</b></p> | <p>None</p>   |

|   |   |
|---|---|
| Minimum Side Setback (Principal and Accessory Structures) | None outside designated scenic viewsheds. Within designated scenic viewsheds, as identified in a City-adopted plan, see 'Preservation of Water views' standard for minimum side setbacks. |
|---|---|

\* \* \*

**23. Tillson Avenue Area Overlay Zone**

**1. Purpose.** To enhance redevelopment opportunities in the Tillson Avenue Area while protecting and enhancing the historic character and mixed-uses in Rockland's largely 19<sup>th</sup> Century-constructed commercial center (the "Downtown District"), and waterfront. This Overlay defines uses and standards that are in addition to regulations for the underlying land use zones that apply in this area. Where there is a conflict between uses and standards within the zones of this area and the Tillson Avenue Area Overlay Additional Standards, the Tillson Avenue Area Overlay Additional Standards shall apply.

\* \* \*

**5. Standards.** In addition to the standards for the zones within this area, the following space, bulk and design standards shall apply to all lots and/or parcels of land.

**TILLSON AVENUE AREA OVERLAY ADDITIONAL STANDARDS**

\* \* \*

|  |  |
|--|--|
| Maximum Front Setback (Principal Structures and Accessory Structures with building coverages of 150 sq. ft. or more) | 5 feet from property line for no less than 40% of the building façade (first floor) as measured linearly. 15 feet from property line for the remainder of the building façade (all floors) as measured linearly. However, functionally water-dependent uses, maritime facilities, and marinas are exempt from a maximum front setback requirement. <u>Such Maximum Front Setbacks shall be measured from the inside edge of any park, plaza, or other exterior portion of the lot that abuts the primary street and to which the lot owner has granted the City of Rockland a public access easement in a form acceptable to the City Attorney. The inside edge shall be that point of the longest line or, in the event of a round or oval space, the curve formed by the publicly-accessible park, plaza or similar area, that is located closest to the principal facade of the proposed structure.</u> |
| Minimum Front Setback (Principal and Accessory Structures)   | None   |
| Minimum Side Setback (Principal and Accessory Structures)  | None outside of designated scenic viewsheds. Within designated scenic viewsheds, as identified in a City-adopted Master Plan for the Tillson Ave area, see 'Preservation of Water views' standard for minimum side setbacks.   |

First Reading 11/9/15  
 First Publication 11/19/15  
 Public Hearing 12/14/15  
 Final Passage \_\_\_\_\_  
 Second Publication \_\_\_\_\_  
 Effective Date \_\_\_\_\_

Sponsor: Mayor Isganitis  
 Originator: City Manager

**CITY OF ROCKLAND, MAINE**  
**ORDINANCE AMENDMENT #44**  
**(As Amended 11/09/15)**  
**IN CITY COUNCIL**

November 9, 2015

**ORDINANCE AMENDMENT** Authorizing a Municipal ~~Quitclaim-Deed~~ Bill of Sale – 105 First 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 bill of sale~~ to Carla Grathwol for property located at 105 First Street, as shown on Rockland Tax Map #58-A-7-105, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Ms. Grathwol fails to sign the Reconveyance Agreement and comply with its requirements by February 9, 2016, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council  
Originator: City Manager

First Reading 11/9/15  
First Publication 11/19/15  
Public Hearing 12/14/15  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

**RECONVEYANCE AGREEMENT**  
*105 First Street (Tax Map 58-A-7-105)*

This RECONVEYANCE AGREEMENT by and between the City of Rockland, Maine (the "City"), a municipal corporation duly organized and existing under the laws of the State of Maine, and **Carla Grathwohl** (the "Grantee"), an individual residing at 105 First Street, Rockland, Maine, for the disposition of a 1992 Skyline West Ridge mobile home (the "Property") located at 105 First Street in Rockland, Maine (Rockland Tax Map 58, Block A, Lot 7-105), pursuant to the City of Rockland Code of Ordinances ("Rockland Code"), Chapter 2, Article V, Section 2-509(15), is made and effective this \_\_\_ day of January 2016.

**WHEREAS**, on April 16, 2014, the City filed a Certificate of Lien on the Knox County Registry of Deeds in Book 4790, Page 21, pursuant to 38 M.R.S. § 1208, to secure the payment of overdue sewer charges incurred for service to the Property; and

**WHEREAS**, on October 16, 2015, any equitable right the Grantee may have had to redeem title to the Property by paying the overdue sewer charges expired, and title to the Property passed to the City of Rockland pursuant to 38 M.R.S. § 1208; and

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

**WHEREAS**, on December 14, 2015, by ordinance amendment effective 30 days thereafter, the City Council authorized the City Manager to enter into this Reconveyance Agreement and to issue a bill of sale to the Grantee for the Property,

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, and agreements herein, the City and Grantee 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, no later than **March 18, 2016** (the "Reconveyance Deadline"), cause to be paid all delinquent water and sewer charges for the Property, and associated lien and service costs, and all sewer charges incurred by the City for the Property, in the amount of **\$178.80 as of December 4, 2015**, with interest accruing thereon at the rate of *7% per annum*, and together with any and all additional charges incurred or billed on or after that date;

Subtotal:     **\$178.80**

**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 Reconveyance Deadline, cause to be paid to the City of Rockland all delinquent real estate taxes on the Property, lien charges, and interest as follows:

FY 2014:     **\$321.74**                   (including lien charges and interest at 7%)

|           |                  |   |
|-----------|------------------|---|
| FY 2015:  | \$313.90         | <i>per annum</i> as of 12/04/15, with interest continuing to accrue thereon at <i>7% per annum</i> )<br>(including lien charges and interest at <i>7% per annum</i> as of 12/04/15, with interest continuing to accrue thereon at <i>7% per annum</i> ) |
| FY 2016:  | \$253.97         | (including interest at <i>7% per annum</i> as of 12/04/15, with inter continuing to accrue thereon at <i>7% per annum</i> )   |
| Subtotal: | <b>\$889.61;</b> |   |

**3. Payment In Lieu of Taxes.** In the event Grantee fails to comply with the Reconveyance Deadline and requests and receives from the City Manager an extension of the same until after April 1, 2016, pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(2), the Grantee shall, no later than the extended Reconveyance Deadline, make a payment to the City of Rockland in the amount that Grantee would have paid in taxes for Fiscal Year 2017, had the City not become the owner of the Property as a result of the statutory foreclosure on the City's lien:

FY 2017 (estimated): \$252.28

Subtotal: **\$252.28**

In the event of a an increase in the mil rate from FY 2016 to FY 2017, Grantee shall pay the difference between the payment in lieu of tax estimated herein, and the product of the new mil rate and the assessed value of the Property on April 1, 2016 divided by 1,000. In the event of a decrease in the mil rate from FY 2016 to FY 2017, the City shall pay Grantee the difference between the payment in lieu of tax estimated herein, and the product of the new mil rate and the assessed value of the Property on April 1, 2016 divided by 1,000.

**4. 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 estimated amount of **\$75 (actual amount may vary)**, on or before the Reconveyance Deadline;

**5. Repairs.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(4), and report of inspection of the Property on \_\_\_\_\_, 2015, the Grantee shall effect the following repairs of violations of the Life Safety, Property Maintenance, and/or other applicable Codes at the Property, on or before the Reconveyance Deadline unless otherwise stated below:

A. \_\_\_\_\_

[Awaiting inspection; no repairs may be needed.]

All repairs and compliance with this paragraph, and with applicable codes, are subject to inspection and approval by the Code Enforcement Officer and/or Fire Inspector. 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 on inspection, and to fully comply with the Property Maintenance Code and other codes as may be applicable following the reconveyance of the Property;

**6. Reconveyance.** The City shall release, by Bill of Sale, to the Grantee or its assign the City's right, title, and interest in the Property, upon the payment and/or performance of the charges, fees, interest, other payments, and repairs required by this Agreement within the applicable deadline(s);

**7. Extension.** The City Manager may extend the Closing Date, for cause, but for no longer than sixty (60) days;

**8. Representations; Indemnification.** The undersigned represent that they are the former owners of the Premises; that, prior to the aforementioned statutory lien foreclosure, they or none of them encumbered, conveyed, released, alienated, or otherwise granted their interest in the Premises to any other party; and that they are authorized and have the capacity to perform the undertakings set forth in this Reconveyance Agreement. The Grantees, jointly and severally, 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 Property by the Grantees, their guest(s), invitee(s), or permittee(s), or by any trespasser(s), during the period of the City's ownership of the Property.

**9. 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 Property to the Grantee, may sell and convey the Property 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 Property within one year of the effective date of this Agreement, the City shall repay to Grantee any payment to the City by or on behalf of the Grantee made during the period between the execution of this Agreement and the sale of the Property for taxes, sewer charges, finance charges, insurance coverage, or document preparation to the extent the proceeds of such sale of the Property, 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 Property for reasons other than a breach of this Agreement by the Grantee, or the destruction of the Property, the City shall either reconvey the Property to the Grantee, or pay to the Grantee any sums realized from the sale of the Property, less any amounts owed to the City pursuant to this Agreement and/or incurred by the City with respect to the Property. Grantee shall have no such remedy, and no rights in the Property arising from this Agreement, if Grantee fails both to sign this Agreement and perform all of Grantee's

obligations hereunder. 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 Property to the Grantee in the event she and/or her guest(s) engage in any criminal activity at the Property during the period of the City's ownership.

IN WITNESS WHEREOF, the parties have executed this Reconveyance Agreement as of January \_\_, 2016.

WITNESS:

CITY OF ROCKLAND:

\_\_\_\_\_  
by: Stuart H. Sylvester, City Clerk

\_\_\_\_\_  
by: James D. Chaousis II  
its: City Manager

As to Form:

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

WITNESS:

CARLA GRATHWOHL:

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

\_\_\_\_\_

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #45  
IN CITY COUNCIL**

November 9, 2015

**ORDINANCE AMENDMENT 15 Minute Time Limit – Thorndike Parking Lot**

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

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

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

| <b>Street</b>                    | <b>Area Affected</b>   |
|----------------------------------|--|
| <b>F. Fifteen-Minute Limit</b>   |  |
| (1) Main                         | (a) Between Pleasant Street and Rankin Street between the hours of 2:00 A.M. and 6:00 A.M., Sundays and legal holidays excepted. |
| (2) <u>Thorndike Parking Lot</u> | (a) <u>The first two angles parking space in the northwest corner of the parking lot.</u>  |

Sponsor: Mayor Isganitis  
Originator: Parking Committee

First Reading 11/9/15  
First Publication 11/19/15  
Public Hearing 12/14/15  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #46  
IN CITY COUNCIL**

December 14, 2015

**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**

**Overall Maximum Levels of Assistance.**

| Number in Household | Monthly                         |
|---------------------|---------------------------------|
| 1                   | <del>\$709</del> <u>\$736</u>   |
| 2                   | <del>\$719</del> <u>\$741</u>   |
| 3                   | <del>\$877</del> <u>\$913</u>   |
| 4                   | <del>\$1124</del> <u>\$1170</u> |
| 5                   | <del>\$1344</del> <u>\$1298</u> |
| 6                   | <u>\$1373</u>                   |

\*Add ~~\$69.00~~ \$75.00 a month for each additional person

**Maximum Levels of Assistance for Specific Basic Necessities.**

**A) Food.**

The maximum amounts allowed for food are:

| Number in Household | Weekly                              | Monthly                         |
|---------------------|-------------------------------------|---------------------------------|
| 1                   | <del>\$46.51</del> <u>\$45.12</u>   | <del>\$200</del> <u>\$194</u>   |
| 2                   | <del>\$85.35</del> <u>\$83.02</u>   | <del>\$367</del> <u>\$357</u>   |
| 3                   | <del>\$122.33</del> <u>\$118.84</u> | <del>\$526</del> <u>\$511</u>   |
| 4                   | <del>\$155.35</del> <u>\$150.93</u> | <del>\$668</del> <u>\$649</u>   |
| 5                   | <del>\$184.42</del> <u>\$179.30</u> | <del>\$793</del> <u>\$771</u>   |
| 6                   | <del>\$221.40</del> <u>\$215.12</u> | <del>\$952</del> <u>\$925</u>   |
| 7                   | <del>\$244.65</del> <u>\$237.67</u> | <del>\$1052</del> <u>\$1022</u> |
| 8                   | <del>\$279.53</del> <u>\$271.86</u> | <del>\$1202</del> <u>\$1169</u> |

\*Add \$150 a month for each additional person

**B) Housing**

| Number of Bedrooms | <u>Unheated</u>    |                    | <u>Heated</u>      |                      |
|--------------------|--------------------|--------------------|--------------------|----------------------|
|                    | <u>Weekly</u>      | <u>Monthly</u>     | <u>Weekly</u>      | <u>Monthly</u>       |
| 0                  | \$128 <u>\$132</u> | \$552 <u>\$569</u> | \$151 <u>\$157</u> | \$649 <u>\$673</u>   |
| 1                  | \$128 <u>\$132</u> | \$552 <u>\$569</u> | \$151 <u>\$157</u> | \$649 <u>\$673</u>   |
| 2                  | \$150 <u>\$156</u> | \$645 <u>\$671</u> | \$186 <u>\$193</u> | \$799 <u>\$831</u>   |
| 3                  | \$197 <u>\$204</u> | \$846 <u>\$879</u> | \$204 <u>\$250</u> | \$1032 <u>\$1075</u> |
| 4                  |                    |                    |                    |                      |

**C) Utilities.**

**Electricity Maximums for Households that Use Electrically Heated Hot Water.**

| <u>Number in Household</u> | <u>Weekly</u>          | <u>Monthly</u>                    |
|----------------------------|------------------------|-----------------------------------|
| 1                          | \$19.10 <u>\$20.08</u> | <del>\$82.00</del> <u>\$86.00</u> |
| 2                          | \$23.75                | \$102.00                          |
| 3                          | \$27.70                | \$119.00                          |
| 4                          | \$32.25                | \$139.00                          |
| 5                          | \$37.30                | \$160.00                          |
| 6                          | \$41.00                | \$176.00                          |

\*Add \$10.00 for each additional family member.

Sponsor: City Council  
 Originator: General Assistance Administrator

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #47  
IN CITY COUNCIL**

December 14, 2015

**ORDINANCE AMENDMENT** Authorizing a Municipal Quitclaim Deed – 105 First 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 Michael Faller for property located at 258 Rankin Street, as shown on Rockland Tax Map #68-B-5-2, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Mr. Faller fails to sign the Reconveyance Agreement and comply with its requirements by March 10, 2016, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER #88**

**IN CITY COUNCIL**

December 14, 2015

**ORDER** Authorizing Blanket Letter of Approval – Games of Chance Licenses

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

**THAT** the Games of Chance Licenses for the following establishments and/or organizations be approved for a period of one (1) year beginning January 1, 2016, and that a blanket letter of approval be sent to the Maine State Police notifying them of this approval:

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

Sponsor: City Clerk  
Originator: City Clerk

**CITY OF ROCKLAND, MAINE**

**ORDER #89**

**IN CITY COUNCIL**

December 14, 2015

**ORDER** Authorizing Blanket Letter of Approval – Beano/Bingo Licenses

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

**THAT** the Beano/Bingo Licenses for the following establishments and/or organizations be approved for a period of one (1) year beginning January 1, 2016, and that a blanket letter of approval be sent to the Maine State Police notifying them of this approval by mail:

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

Sponsor: City Clerk  
Originator: City Clerk

**CITY OF ROCKLAND, MAINE**

**ORDER #90**

**IN CITY COUNCIL**

December 14, 2015

**ORDER** Casting Ballot for Municipal Review Committee Board of Directors

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

**THAT**, as a Charter Municipality of the Municipal Review Committee, the City of Rockland hereby casts its vote for \_\_\_\_\_ for the Municipal Review Committee Board of Directors for the terms stated on the attached ballot.

Sponsor: City Council  
Originator: City Council

■ 395 State Street  
■ Ellsworth, ME 04605  
■ [www.mrcmaine.org](http://www.mrcmaine.org)



**MRC**  
Municipal Review Committee, Inc.

866-254-3507  
207-664-1700 ■ Voice  
207-667-2099 ■ Fax  
[glounder@mrcmaine.org](mailto:glounder@mrcmaine.org) ■ E-mail

To: MRC Membership  
From: Greg Louder, MRC Clerk   
Date: November 3, 2015  
**RE: MRC Board of Directors Election Ballot**

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Please find enclosed a MRC Board of Directors election ballot. Ballots cast in this election will determine the election of three (3) Directors to serve on the MRC Board of Directors for three-year terms from January 1, 2016 through December 31, 2018. The candidate receiving the fourth highest number of votes will be elected to fill a vacancy from January 1, 2016 through December 31, 2018.

Biographical descriptions of the candidates, as provided by the candidates, are also enclosed for your information.

Ballots must be returned to MRC before 5:00 pm, December 15, 2015.

The election results will be read at the MRC Annual Meeting held at 3:00 P.M. in the afternoon on December 16, 2015 at the Cross Insurance Center on 515 Main Street in Bangor.

**Note: Vote must be cast for one candidate only.**

Please contact Greg Louder at 664-1700 or 866-254-3507 with any questions.

# Voting Ballot

- ◆ To fill three positions for a three year term from January 1, 2016 to December 31, 2018  
(3 highest vote totals)
- ◆ To fill a vacancy from January 1, 2016 to December 31, 2017  
(Fourth highest vote total)

The Charter Municipality of \_\_\_\_\_ casts its vote for the following *individual* to serve on the Municipal Review Committee Board of Directors for the above stated term.

**Note: Candidates are listed alphabetically. Biographies provided by each candidate are attached.**

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## **VOTE FOR ONE INDIVIDUAL ONLY**

**→ *More than one checked box will invalidate the ballot* ←**

- Irene L. Belanger – China
- Catherine M. Conlow - Bangor
- Karen Fussell – Brewer
- Angus Jennings - Hampden
- Peter Nielson – Winthrop
- Mike Roy – Waterville
- Tony Smith – Mount Desert
- Barbara Veilleux – Penobscot County

**Please return this ballot no later than 5:00 p.m., DECEMBER 14, 2015 to:**

Municipal Review Committee, Inc.  
395 State Street  
Ellsworth, Maine 04605  
Or

FAX: (207) 667-2099 EMAIL ATTACHMENT: [glounder@mrcmaine.org](mailto:glounder@mrcmaine.org)

**RESULTS OF THIS ELECTION WILL BE READ AT THE MRC ANNUAL MEETING  
TO BE HELD DECEMBER 16, 2015**

Town of China – Irene L. Belanger

### Dedication

We are pleased to dedicate this year's town report to Irene L. Belanger.

The Town of China has been the home to Irene Belanger and her husband Joseph a.k.a. "Val" since at least 1969 when they purchased property and built a home at 119 Ingraham Road. Irene and Val are very devoted to their family having seven children (Deborah, Tom, Billy, Jeff, Susan, Val and Maurice), fifteen grand-children and four great grand-children.

While Irene's two main careers paths involved the real estate and motherhood vocations, she has devoted exhaustive energy to the benefit of others. You will note from the listing below that she is devoted to and passionate about China and therefore has contributed many, many volunteer hours, serving on:

- The Recreation Committee for many years
- The Planning Board for approximately 15 years
- The Select Board for many years
- The Four Seasons Club for many years
- The Health and Wellness Clinic staff
- The Volunteer Drivers Group, driving residents to doctor appointments and shopping
- The Boy Scouts Council 479 (Cub Scouts) Den Mother – 7 Year Merit Award
- The Comprehensive Plan Implementation Committee
- The Lake Access Committee
- The Thurston Park Committee
- The Economic and Community Development Committee
- The Transfer Station Committee – Recycling Coordinator
- The Kennebec Valley Council of Governments, Board Vice-President representing China, etc.



Irene L. Belanger

In the real estate vocation Irene engaged at many levels. She:

- Was a past State Real Estate Commissioner
- Taught Adult Education in Augusta and Gardiner
- Taught Real Estate and Law in a Degree Program at Mid-State College
- Was a member of the State and National Board of REALTORS for over 30 years
- Was a local Board Realtor of the Year three times
- Was State Realtor of the Year once
- Lobbied for property rights and other housing issues in Washington, D.C.
- Lobbied for property rights and other housing issues in the State Legislature

Irene and Val like to spend time during the summer and fall months at their summer camp in Madrid, Maine. Irene also likes to read, cook and engage in a variety of craft work. We are thankful for their positive energy.

### **City of Bangor – Catherine M. Conlow**

Biography for Catherine M. Conlow

City Manager, Bangor, Maine (Nov. 2010 – Present)

Town Manager, Orono, Maine (Jan. 2004 – Nov. 2010)

Public Services Director, Blaine, MN. (May 2001 – Dec. 2003)

Jackson County, OR. (June 1989 – April 2001)  
Director of Economic and Special Development  
Executive Director, Urban Renewal Agency  
Solid Waste Manager

B.S. Public Administration  
Shippensburg University

Master of Public Administration  
George Washington University

Member – International City Management Association, Maine Town and City Manager's Association  
MRC Director – 2013 to 2015, member of MRC Finance Committee

### **City of Brewer – Karen Fussell**

In addition to serving the past three years on the MRC Board of Directors, Karen Fussell has been the Finance Director for the City of Brewer for 15 years. She is a Certified Internal Auditor and has dual master's degrees in Public Policy and Urban Planning from the Kennedy School of Government at Harvard University. Karen has worked for the U.S. Congressional Budget Office, the City and County of San Francisco's Controller's Office and as an Environmental Planner for the California Department of Transportation. Karen has been interested and involved in solid waste issues for over 25 years. She was instrumental in implementing Brewer's highly successful pay as you throw and Zero-Sort recycling programs. Karen currently chairs the MRC Communications Committee and has worked actively to ensure that MRC will meet its mission to provide affordable, long term, and environmentally sound disposal of municipal solid waste post-2018.

### **Town of Hampden – Angus Jennings**

Angus Jennings began serving as Hampden's Town Manager in August of 2015 after his appointment by unanimous vote of the Town Council. Mr. Jennings has spent his career in municipal government and as a consultant to cities and towns in the areas of public land management, zoning and regulation and infrastructure finance. He has previously served 5 years on the board of the Massachusetts Assn. of Planning Directors, including as President. The Hampden Town Council nominates Mr. Jennings to the MRC Board to extend its long-time engagement with MRC, and to support continued collaborative efforts toward building the Fiberight facility in Hampden.

### **Town of Winthrop – Peter A. Nielson**

Town Manager: Clinton, Wayne, Wilton, Oakland, Winthrop 1990 – Present  
University of Maine MPA 2001  
PERC customer beginning 1998  
Former MRC rep from Winthrop, Clinton

### **City of Waterville – Mike Roy**

I am completing 38 years in municipal government, first starting with the Town of Fairfield (7 years). I became Town Manager in Vassalboro and was there for 11 years before leaving to become Town Manager in Oakland (10 years). I have been City Manager in Waterville for 11 years. I also served as President of the MMA in 1996-97.

### **Town of Mount Desert – Tony Smith**

I am just completing my first three-year term on the MRC. If I hadn't already thought that solid waste management was a complex and expensive business, I certainly do now. The next three years will be critical to the successful future management of solid waste in the local area and the State of Maine. Decisions made will affect all facets of solid waste management, not the least of which is the associated cost. I would like to continue the work of my first three-year term with the other board members to address the pending challenges.

BSc. Degrees in Biology and Chemistry, Mount Allison University, 1979 and Civil Engineering, UMaine, 1986.

Consulting Engineer for 15 years with 12 of those years with CES, Inc.; experience in solid waste management including landfill closures and transfer station and recycling center siting, design and construction.

Public Works Director for the Town of Mount Desert since 2001; equipment and staff management responsibilities include curbside MSW collection with town-owned packer trucks and town staff; recycling center; annual one week bulky waste collection. Tasks include four successful contract negotiations with Teamsters Local 340 with a fifth pending.

Chairman of the Acadia Disposal District, an independent quasi-municipal, tax-exempt solid waste corporation comprised of five towns each represented by one director; operates under an adopted set of by-laws and an interlocal agreement signed by the member towns; provides services related to the efficient and lawful management, disposal and recycling of waste materials on behalf of its member towns. Tasks include coordination of an annual household hazardous and universal waste collection event; two successful contract negotiations with an area transfer station and successful agreement negotiations with the City of Ellsworth for recycling.

Enjoy working with colleagues and staff and love my job 95% of the time – we all have our moments.

Member of the Episcopal Church's Buildings and Grounds Committee, Somesville Library Association and Town fire department.

Resident of the Town of Mount Desert; enjoy reading, walking, snow shoeing and hunting and fishing as a reason to get to the woods.

### **County of Penobscot – Barbara Veilleux**

Barbara Veilleux currently resides in the Town of Holden with her husband, Mark. She has been a resident of the town for 29 years and has served on the town's Budget Committee. Barbara was first employed by Merchant's National Bank in 1973. Her career began in the Accounting Department, where she carried out general ledger, teller and loan accounting functions. In the mid 1980's Barbara was promoted to Loan Officer. After a twenty year career in banking, Barbara was ready for a new challenge and in 1997 she was hired by Penobscot County. Within a few years, Barbara became the Administrative Assistant for the office that oversees the provision of municipal services to the Unorganized Territories. It was in this capacity that she first became involved with solid waste issues. Serving as the Director of Unorganized Territory Administration since 2008, Barbara was instrumental in regionalizing the County's solid waste program. She continues to stay abreast of legislative activities, new technologies and current issues in the solid waste field. Most recently, Barbara was appointed to fill the vacant seat on the Municipal Review Committee's Board of Directors that was created due to the resignation of former member, Josh Reny. Barbara has stayed closely involved in the post 2018 issues facing the MRC and strongly believes that they are on the path to becoming a leader in solid waste management in Maine. Her main objective is to keep solid waste disposal rates affordable for all MRC communities while simultaneously setting the highest possible standards under Maine's solid waste hierarchy.

**CITY OF ROCKLAND, MAINE**

**ORDER #91**

**IN CITY COUNCIL**

December 14, 2015

**ORDER** Authorizing Mutual Agreement – Termination of Option Agreement with Rockland Energy Center LLC for the Purchase of City-Owned Property

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

**THAT**, by mutual agreement, substantially in conformance with the agreement incorporated herein by reference, the Non-Binding Option Agreement between the City of Rockland and Rockland Energy Center, LLC., for the purchase of City-owned parcels of land located at 270 Pleasant Street (Tax Map #57-A-2) and 9 Burrows Street (Tax Map #57-A-5), authorized by the City Council pursuant to Order #30-15 (as amended) passed on May 1, 2015, is hereby terminated.

Sponsor:  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER #92**

**IN CITY COUNCIL**

December 14, 2015

**ORDER** Authorizing License Agreement – Winter Street LLC

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

**THAT** the City Manager is hereby authorized to enter into a license agreement with Winter Street LLC to allow projections over the sidewalks on Winter Street at 8 & 12 Winter Street (Tax Map #s 1-D-9 & 1-D-10), which projections are among the architectural elements approved by the Planning Board, in substantial conformance with the license agreement attached hereto.

Sponsor: City Manager

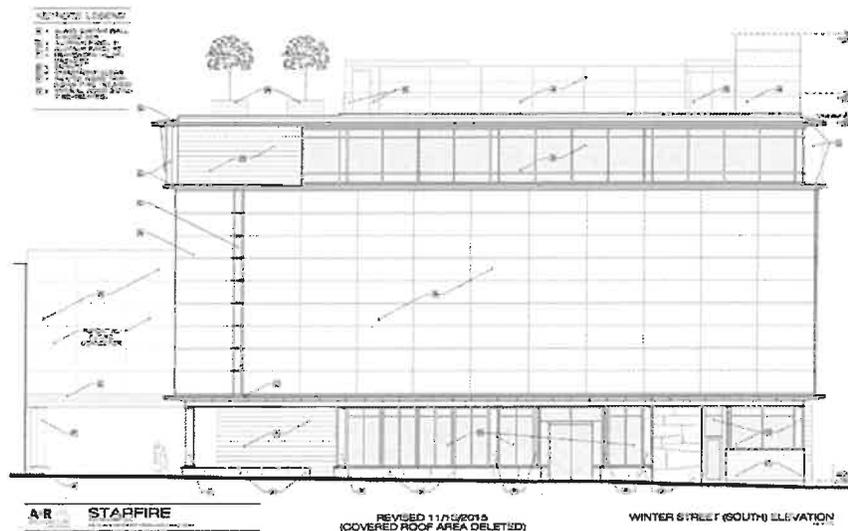
Originator: City Manager

## LICENSE AGREEMENT

**THIS AGREEMENT** by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and Winter Street, LLC, a Maine limited liability company with its principal place of business in Rockland, Maine (the "Licensee"), is effective December 15, 2015.

**WHEREAS**, on November 17, 2015, the Planning Board granted a site plan application by Winter Street, LLC, to construct a building to house first floor retail space and in the upper floors a fine art storage facility (the "Starfire Building") on property owned by Licensee at 8 & 12 Winter Street in Rockland (Tax Map 1, Block D, Lots 9 & 10) (the "Property"); and

**WHEREAS**, the design of the Starfire Building included permanent projections from the Winter Street facade of the structure, extending not more than 36" over the property line, including a cornice canopy to shield glazing that forms much of the fifth floor facade, and a window canopy on the first floor, depicted by and approved by the Planning Board as follows:



and

**WHEREAS**, these canopies meet the regulations established by the City Council in Ch. 15, Art. I, Sec. 15-106 for awnings extending over sidewalks in the City of Rockland,

**NOW, THEREFORE**, the City grants to Licensee a license for canopies, awnings, and projections in substantial conformance with the site plan approved by the Planning Board, or as amended, as follows:

**1. Grant of License.** The City grants to Licensee a license to install and maintain canopies, awnings, and other permanent projections over the sidewalk as approved by the Planning Board and in conformance with the City's regulations for awnings set forth in Ch. 15, Art. I, Sec. 15-106, and as depicted in the Winter Street Profile, attached and incorporated herein as Exhibit A. No such canopy, awning, or projection may be placed lower than seven feet above the sidewalk.

**2. Term.** The permissions granted to Licensee under this License Agreement shall terminate upon the substantial rehabilitation or demolition of the Starfire Building.

**3. Construction; Maintenance; Default.** Licensee shall be fully and solely responsible for the construction and/ or costs of the improvement(s) authorized in this License Agreement, and the City shall have no responsibility or liability therefore. Licensee shall maintain the projections authorized herein in a safe and presentable condition throughout the Term of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof. In the event of any default under this Agreement by Licensee, or any failure of Licensee to comply with any other applicable code, rule, or regulation of the City, or order to correct by the Code Enforcement Officer or his designee, Licensee shall, at Licensee's sole expense, cure such default or failure to comply within thirty (30) days. Nothing in the foregoing shall limit the City's authority to terminate this Agreement, as set forth herein;

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

**5. Miscellaneous.**

A. This License Agreement is not intended and shall not be construed as creating or conveying to Licensee, or any party, an interest in real property or right-of-way, and Licensee acknowledges for itself, its tenants, members, agents, successors, and assigns, that it or they shall have no right, title, leasehold, easement, or other interest in any City property or right-of-way other than such interest(s) possessed by

the general public and/or that Licensee already enjoys outside and notwithstanding this License;

- B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall alike extend to and be binding upon Licensee and its successors and assigns;
- C. This License Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine; and
- D. This License Agreement sets forth the entire agreement between the parties relating to the subject matter hereof, and stands in the place of any previous agreement, whether oral or in writing. The parties hereto agree that no amendment to this License Agreement shall be effective or binding upon any party unless it is in a writing signed in due form by both parties.

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

ATTEST:

CITY OF ROCKLAND, MAINE:

\_\_\_\_\_  
Stuart H. Sylvester, City Clerk

\_\_\_\_\_  
by: James D. Chaousis II  
its: City Manager

As to Form:

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

WITNESS:

WINTER STREET, LLC:

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

\_\_\_\_\_  
by: Jacob Dowling  
its: Managing Member

**EXHIBIT A:**

**PROFILE OF BUILDING AT SIDEWALK - WINTER STREET**

