

REGULAR MEETING

AGENDA

December 8, 2014

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum of not more than 30 minutes (3 min limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
 - a. City Manager's Report
 - b. City Attorney's Report
 - c. Other Official's Report
 - d. Mayor's Report
7. Licenses and Permits:
 - a. Liquor & Entertainment Licenses – Rockland Elks Lodge
 - b. Liquor License – Captain Lindsey House
 - c. Liquor, Entertainment & Motion Picture Licenses – The Strand Theatre
 - d. Lodging House License – Limerock Inn
 - e. License to Operate a Taxi Company – Reed's Taxi
8. Resolves:

#43 Re-Appointments – Boards, Commission & Committees	Mayor Isganitis
#44 Appointments – Mid-Coast Regional Planning Commission	Mayor Isganitis
#45 Declaring Official Intent – Equipment Lease/Purchase	City Manager
#46 Accepting Donation – Picnic Table	City Manager
#47 Commendation – James Pease	City Council
9. Ordinances in Final Reading & Public Hearing:

#24 Chapter 14/Chapter 20 Sewer Lateral Inspection (Postponed)	Councilor Pritchett
#34 Authorizing Reconveyance – 20 Katahdin Avenue	City Council
#35 Authorizing Reconveyance – 63 Warren Street	City Council
#36 Chapter 19, Article III Commercial Corridor Overlay Zone (CCOZ)	Mayor Isganitis
#37 Zoning Map Amendment – CCOZ, Camden St.	Mayor Isganitis
#38 Chapter 19, Article III Zoning Regs - Adult Amusement Stores	Councilor MacLellan-Ruf
#39 Chapter 11, Article XII Licensing Adult Amusement Stores	Councilor MacLellan-Ruf
10. Ordinances in First Reading:

#40 Chapter 19, Article II Zoning Board of Appeals	Councilor MacLellan-Ruf
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11. Orders:

#92 Authorizing Blanket Letter of Approval – Games of Chance	City Clerk
#93 Authorizing Blanket Letter of Approval – Beano/Bingo	City Clerk
#94 Authorizing Expenditure of TIF Funds – Harbor Trail	City Manager
#95 Authorizing Expenditure of TIF Funds – Thorndike Parking Area	City Manager
#96 Amendment to Solid Waste Fee Schedule	City Manager
#97 Authorizing Reserve Fund Expenditure – Library Evaluation	City Manager
#98 Authorizing COLA Salary Adjustments – Attorney/Clerk	Mayor Isganitis

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

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

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

Name of Business SAME Phone _____

Address of Business _____

Name of Property Owner (if different) SAME

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

Type of Business FRATERNAL ORGANIZATION

Expiration of Current License 01/25/2015

Fee(s) Paid \$300.00 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. Puelly Date 10/20/14

Approved By: _____ License # _____

[Signature] Code Officer 11/25/14 Date
 Approved Inspected; See Report

[Signature] Fire Inspector 12/2/14 Date
 Approved Inspected; See Report

[Signature] Police Chief 11/20/14 Date

[Signature] City Clerk 12/2/14 Date

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

Dec 8th
mtg

Name of Applicant Silver Oak Inc. Phone 207-288-5818

Address of Applicant PO Box 46
Bar Harbor ME 04609

Name of Business Captain Lindsey House Phone 596-7950

Address of Business 5 Lindsey St
Rockland ME 04841

Name of Property Owner (if different) Ellen Barnes

Type of License(s): Liquor Victualer Entertainment

Lodging House Commercial Hauler Landscape Contractor

Billiard Room Second Hand Dealer Other (Specify) _____

Type of Business Bed + Breakfast

Expiration of Current License N/A

Fee(s) Paid N/A Date N/A

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 11/5/14

Approved By: _____ License # _____

[Signature] Code Officer 11/25/14 Date
 Approved Inspected; See Report

[Signature] Fire Inspector 11/21/14 Date
 Approved Inspected; See Report

[Signature] Police Chief 11/20/14 Date

[Signature] City Clerk 12/2/14 Date

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

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

Address of Applicant PO Box 433
Rockland ME 04841

Name of Business Strand Theatre Phone 207-594-0070

Address of Business 345 Main St
Rockland ME 04841

Name of Property Owner (if different) _____

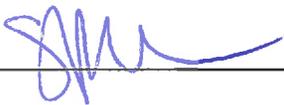
Type of License(s): Liquor Victualer Entertainment
 Lodging House Commercial Hauler Landscape Contractor
 Billiard Room Second Hand Dealer Other (Specify) Motion Picture

Type of Business Film + Performing Arts Center

Expiration of Current License January 15, 2015

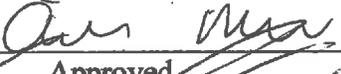
Fee(s) Paid \$450.00 Date 11/19/14

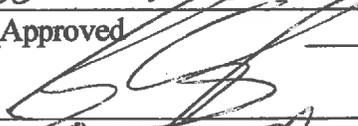
The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the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

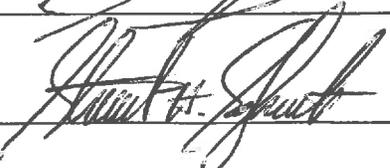
Applicant's Signature  Date 11/21/14

Approved By: _____ License # _____

 Code Officer 11/25/14 Date
 Approved Inspected; See Report

 Fire Inspector 12/2/14 Date
 Approved Inspected; See Report

 Police Chief 12/2/14 Date

 City Clerk 12/2/14 Date

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

Name of Applicant Wisgamiter Inc Phone 594-2257

Address of Applicant 96 Limerock St

Name of Business Lime Rock Inn Phone 594-2257

Address of Business 96 Limerock St

Name of Property Owner (if different) Frank Isgamitis / Rudolf Walter

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

Type of Business Bed & Breakfast

Expiration of Current License 01/01/15

Fee(s) Paid \$100 Date 11/21/14

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

Applicant's Signature [Signature] Date 11/20/14

Approved By: _____ License # _____

[Signature] Code Officer 11/25/14 Date
 Approved Inspected; See Report

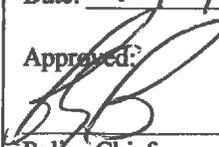
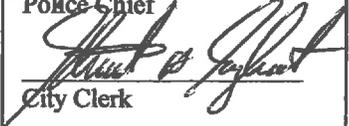
[Signature] Fire Inspector 12/2/14 Date
 Approved Inspected; See Report

[Signature] Police Chief 12/2/14 Date

[Signature] City Clerk 12/2/14 Date

APPLICATION FOR TAXICAB LICENSE

City of Rockland, Maine
270 Pleasant Street
Rockland, Maine 04841

Office Use Only	
Date:	<u>12/2/14</u>
Approved:	
Police Chief	
City Clerk	
License #	_____

Name of Applicant MICHAEL EATON Phone 207-596-3008

Address of Applicant 2 Second ST
ROCKLAND ME 04841

Name of Taxi Company Reeds TAXI Phone 207 596 3008

Address of Taxi Company 2 Second ST
ROCKLAND ME 04841

Other persons or entities having an interest in the company:

Name	Address

(Use Separate Sheet, if necessary)

Has Applicant, or any interested party, been convicted of any of the following offenses in the last 5 years: Criminal homicide; rape; aggravated assault; child molestation; sale or distribution of narcotic drugs, barbituric acid derivatives, and/or central nervous system stimulants; criminal solicitation or criminal attempt to commit any of the above; or any felony in the commission of which a motor vehicle was used. YES X NO

If Yes, specify: _____
(Use Separate Sheet, if necessary)

Experience in Transportation of Passengers: Has the Applicant operated a mode of public conveyance previously?
 X YES NO If YES, specify: Reeds TAXI

(Use Separate Sheet, if necessary)

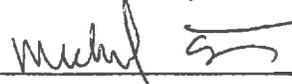
Number of Taxicabs Owned By Applicant: 2 Number of Taxicabs to be Operated in City: 1
Fee: (\$50 per taxicab) \$ 50.00 Description:

Make	Model	Year	VIN Number	Seating
<u>CHEVY</u>	<u>IMPALA</u>	<u>2013</u>	<u>2G1WG5E3401148483</u>	<u>5</u>

(Use Separate Sheet, if necessary)

Certificate of Insurance: A certificate of insurance covering the business and all vehicles registered to the business must be submitted with this application. Certificate Submitted _____

The applicant hereby swears that the information contained in this application is true and correct to the best of his or her knowledge, and agrees to conform with the provisions of the Ordinance regulating the operation of taxicabs within the City of Rockland 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 11-26-14

CITY OF ROCKLAND, MAINE

RESOLVE #43

IN CITY COUNCIL

December 8, 2014

RESOLVE Re-Appointments to Boards, Commissions 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:

Erik Laustsen, 222 Cedar Street (2017)
William W. Bodine, 19 Traverse Street (2017)

BOARD OF ASSESSMENT REVIEW:

Nathan Davis, 10 Fulton Street (2017)

PERSONNEL BOARD:

Joanne Billington, 29 Admontem Ave (2017)
Carol K. Harris, 76 Limerock Street (2017)

BOARD OF REGISTRATION APPEALS:

Wayne Gray (R), 67 Lawn Avenue (2017)

COMPREHENSIVE PLANNING COMMISSION:

Eileen Wilkinson, 38 Gay Street (2017)
Valli Geiger, 186 Broadway (2017)

HARBOR MANAGEMENT COMMISSION:

Guy Polyblank, 260 West Meadow Road (2017)

CDBG LOAN REVIEW COMMITTEE:

Edward Miller, 17 Katahdin Avenue (2015)

COAST GUARD CITY ADVISORY COMMITTEE:

Brandy Perkins, P.O. Box 793 (2017)
Cynthia Powell, 114 Broadway (2017)

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE:

Joanne Billington, 29 Admontem Avenue (2017)
Leah Ondra, 65 Pleasant Street (2017)

LIBRARY ADVISORY COMMITTEE:

Carol Maines, 186 North Main Street (2017)

PARKING ADVISORY COMMITTEE:

Joanne Billington, 29 Admontem Avenue (2017)

Paul Chartrand, 45 Crescent Street (2017)

Sponsor: Mayor Isganitis

Originator: Mayor Isganitis

CITY OF ROCKLAND, MAINE

RESOLVE #44

IN CITY COUNCIL

December 8, 2014

RESOLVE Appointment to Mid-Coast Regional Planning Commission

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Mayor Frank Isganitis and Assistant Code Enforcement Officer David Kalloch are hereby appointed as Rockland representatives to the Mid-Coast Regional Planning Commission for 2015.

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis

CITY OF ROCKLAND, MAINE

RESOLVE #45

IN CITY COUNCIL

December 8, 2014

RESOLVE Declaring Official Intent to Reimburse Expenses for Equipment Purchases

WHEREAS, the City of Rockland desires to purchase equipment for the various City departments; and

WHEREAS, the City proposes to finance these purchases through proceeds from a tax exempt lease purchase, as authorized by Ordinance Amendment #18, adopted by the City Council 07/14/14;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Rockland, pursuant to the requirements of the United States Treasury Regulations Section 1.150-2, that the Council intends this resolution to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

AND, BE IT FURTHER RESOLVED that:

1. **Expenditures to be incurred.** The City anticipates incurring expenditures (the "Expenditures") for equipment purchases,
2. **Plan of Finance.** The Issuer intends to finance the costs of the purchases with the proceeds of debt to be issued by the City (the "Borrowing") the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the City to finance the equipment: \$404,500.
4. **Declaration of Official Intent to Reimburse.** The City hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for the Expenditures incurred by it prior to the issuance of the Borrowing.

AND, BE IT FURTHER RESOLVED that the Council authorizes the City Clerk to certify a copy of this resolution for the Local Government Commission.

Sponsor: City Manager
Originator: City Manager

CITY OF ROCKLAND, MAINE

RESOLVE #46

IN CITY COUNCIL

December 8, 2014

RESOLVE Accepting Donation

WHEREAS, the Maine State Prison Showroom donated a handicapped accessible picnic table to the Parks Commission and Recreation Department, for placement to be determined by the City Manager after consultation with the Parks Commission and Recreation Director;

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

THAT the City gratefully accepts the donation and directs that letters of thanks be sent to the Maine State Prison Showroom in recognition of its generous donations.

Sponsor: City Manager
Originator: City Manager

CITY OF ROCKLAND, MAINE

RESOLVE #47

IN CITY COUNCIL

December 8, 2014

RESOLVE Commendation – James M. Pease

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT James M. Pease is hereby commended and congratulated for 20 years of service to the City of Rockland with the Rockland Police Department.

AND, be it further Resolved that a Plaque and a Certificate of Commendation be presented to Det. Sgt. Pease 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

ORDINANCE AMENDMENT #24

IN CITY COUNCIL

September 8, 2014

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

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

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

* * *

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

ADD:

CHAPTER 20 Sanitary And Storm Water Sewers And Facilities

* * *

ARTICLE II Sewers; Construction and Assessment

* * *

Sec. 20-208 Action for Collection

All assessments and charges made under Articles II and IIIIV and V shall be assessed upon the owner(s) and/or occupant(s) of the property served by a public sewer certified by the Municipal Officers and filed with the Tax Collector for collection. If the person assessed, within thirty (30) days after written notice of the amount of such assessments and charges, fails, neglects or refuses to pay the municipality the expense thereby incurred, the City, in addition to any other remedy available at law or in equity, may collect such assessments and charges utilizing the collection procedures set forth in 30-A M.R.S. § 5405 and 38 M.R.S. § 1203, pursuant to 30-A M.R.S. § 5406. ~~a special tax in the amount of such assessment and charges may be assessed by the~~

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

* * *

ADD:

ARTICLE IV Sewer Lateral Inspection, Repair And/Or Replacement

Sec. 20-401 Purpose

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

Sec. 20-402 Definitions

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

1. "Applicant" shall mean any individual, firm, limited liability company, limited liability partnership, association, partnership, government agency, industry, public or private corporation or any other person or entity whatsoever who applies to the City for permits for building improvements. An applicant shall be the property owner or an authorized agent of the property owner.
2. "Building Improvement" for the purposes of this chapter shall mean the following:

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

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

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

1. Administration. The Director is authorized to prepare and publish administrative procedures which shall, among other things, establish the following:

1. Standards for sewer lateral inspection, repair and/or replacement.

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

2. Applicability.

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

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

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

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

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

main.

5. Sewer Backwater Valve. A sewer backwater valve shall be installed by the property owner on the upper lateral where the elevation of any floor of the building is below the street elevation of the sewer main, where a condition exists where a blockage in the sewer main would cause the sewer to back up to an elevation above the lowest floor level of the building, or where a pump is used to lift sewage to the sewer lateral or sewer main.
6. Requirements for Sewer Lateral Repair and/or Replacement. The Director shall issue a notice to repair when the sewer lateral has conditions which would result in an unacceptable amount of inflow or infiltration to enter the sewer system or which would result in an unacceptable risk of blockages. The Director shall have the sole discretion to determine when repair and/or replacement is required due to unacceptable conditions of a sewer lateral. A sewer lateral shall be considered in compliance with the provisions of this chapter if inspection verifies all of the following conditions to the satisfaction of the Director:
 - A. The sewer lateral is free of roots, deposits of FOG and/or other solids which may impede or obstruct the flow of sewage.
 - B. There are no illicit or illegal connections to the sewer lateral which would cause inflow, such as roof leaders or yard drains.
 - C. All joints in the sewer lateral are tight and sound to prevent the exfiltration of sewage and/or the infiltration of groundwater.
 - D. The sewer lateral is free of structural defects, cracks, breaks or missing portions and the grade is reasonably uniform without major sags or offsets.
 - E. The sewer lateral is equipped with cleanouts as shown on the City's standard detail.
 - F. The sewer lateral is constructed of materials with a remaining design life of at least twenty-five (25) years. "Orangeburg pipe" a bituminized fiber pipe made from layers of wood pulp and pitch pressed together, shall be considered to be at the end of its design life.
 - G. A sewer relief valve is installed.
 - H. A sewer backwater valve, if required, is installed.
7. Time Limit for Sewer Lateral Repair and/or Replacement. Repair and/or replacement of sewer laterals shall be completed within one hundred twenty (120) calendar days after the issuance of a notice to repair.
8. Time Limit for Root Removal. Removal of tree roots from sewer laterals shall be completed within ninety (90) days after the issuance of a notice to repair.

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

10. Repair Performed by City and Recovery of Costs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Responsibility for Repair and/or Replacement of Sewer Lateral. The property owner shall be responsible for repair and/or replacement of the upper lateral in the case where a notice to repair has been issued following a sanitary sewer overflow and/or a sewer backup. The property owner shall also be responsible for correcting all sources of inflow to the sewer lateral.

3. Notice to Repair and Time Limits. A Notice to Repair will be issued by the Director when conditions are observed in conjunction with sewer overflow and/or sewer backup which require repair and/or replacement of the sewer lateral. Time limits for repair and/or replacement of the sewer lateral shall be stated in Section 20-403.

4. Repair Performed by City and Recovery of Costs. If the sewer lateral repair/replacement and/or root removal are not completed with the required time limits, including any extensions granted, the City shall complete the required repair/replacement and/or root removal, and the costs thereof shall be recovered in accordance with Section 20-403.

State Law Ref.: 38 M.R.S. § 3426.

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

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

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

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

Sponsor: Mayor Pritchett
Originator: Water Pollution Control
Facility Director

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

Postponed 10/15/14 to 12/8/14

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #24
IN CITY COUNCIL

September 8, 2014

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

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

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

* * *

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

ADD:

CHAPTER 20 Sanitary And Storm Water Sewers And Facilities

* * *

ARTICLE II Sewers; Construction and Assessment

* * *

Sec. 20-208 Action for Collection

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

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

~~* * *~~

ADD:

ARTICLE IV Sewer Lateral Inspection, Repair And/Or Replacement

Sec. 20-401 Purpose

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

Sec. 20-402 Definitions

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

1. "Applicant" shall mean any individual, firm, limited liability company, limited liability partnership, association, partnership, government agency, industry, public or private corporation or any other person or entity whatsoever who applies to the City for permits for building improvements. An applicant shall be the property owner or an authorized agent of the property owner.
2. "Building Improvement" for the purposes of this chapter shall mean the following:

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

surface runoff, street wash waters or drainage.

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

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

1. Administration. The Director is authorized to prepare and publish administrative procedures which shall, among other things, establish the following:

A. Standards for sewer lateral inspection, repair and/or replacement.

B. Standards for sewer relief valves and sewer backwater valve devices.

C. Standard for root removal from sewer laterals.

D. A standard Notice to Repair and enforcement procedures for sewer lateral repair and/or replacement.

E. An enforcement response plan related to sewer ordinances.

2. Applicability.

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

B. All sewer laterals connected to the public sewer, including sewer laterals servicing residential, multi-family residential, commercial or industrial uses shall be inspected in accordance with the appropriate provisions of Sections 20-404 ~~13-05-050~~ through 20-407~~13-05-090~~ upon the occurrence of any of the following, unless a valid certificate of sewer lateral compliance is on file with the City:

(1) Application for a new connection to the sewer collection system; or

(2) Change of ownership; or

(3) Application for a building permit for a Building Improvement.

Notwithstanding anything to the contrary in this Article, no inspection of the sewer lateral by or for the owner shall be required (1) within five years of the construction or replacement of the sewer lateral, or (2) within three years of one of the foregoing inspections and the satisfactory completion of any resulting repairs, except upon the occurrence of a sewer backup or other malfunction of the sewer lateral.

C. The Director may inspect one or more sewer laterals, and/or issue one or more Notices to Repair:

(1) In conjunction with a repair or replacement of the sewer main to which the sewer lateral is connected; or

~~(24) In conjunction with smoke testing or other inspection of the sewer main; or~~

~~(35) Subsequent to a sewer backup or sanitary sewer overflow resulting from blockage in a lower lateral; or~~

(4) As part of a lateral inspection program, or randomly.

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

4. *Sewer Relief Valve Requirements.* A sewer relief valve shall be installed by the property owner on the sewer cleanout at a suitable location approved by the Director, ~~where the upper lateral connects to the lower lateral on each sewer lateral connection of a single family or multi-family residential property to a sewer main.~~

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

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

A. The sewer lateral is free of roots, deposits of FOG and/or other solids which may impede or obstruct the flow of sewage.

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

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

- D. The sewer lateral is free of structural defects, cracks, breaks or missing portions and the grade is reasonably uniform without major sags or offsets.
- E. The sewer lateral is equipped with cleanouts as shown on the City's standard detail.
- F. The sewer lateral is constructed of materials with a remaining design life of at least twenty-five (25) years. ~~"Orangeburg pipe" a bituminized fiber pipe made from layers of wood pulp and pitch pressed together, shall be considered to be at the end of its design life.~~
- G. A sewer relief valve is installed.
- H. A sewer backwater valve, if required, is installed.
7. Time Limit for Sewer Lateral Repair and/or Replacement. Repair and/or replacement of sewer laterals shall be completed within one hundred twenty (120) calendar days after the issuance of a notice to repair.
8. Time Limit for Root Removal. Removal of tree roots from sewer laterals shall be completed within ninety (90) days after the issuance of a notice to repair.
9. Permits Required for Repair. All repair or replacement work shall be completed by a person properly qualified ~~licensed~~ to perform the work, such as ~~including~~ a licensed plumber and/or contractor, and shall be completed under all appropriate permits from the City, including, as appropriate, a building and encroachment permits.
10. Repair Performed by City and Recovery of Costs.
- A. If the sewer lateral repair/replacement and/or sewer lateral root removal are not completed by the property owner within the required time limits, including any extensions granted, the City may complete the required repair/replacement and/or root removal. The cost in any sum of money expended by the City in making such a repair/replacement shall become a lien upon the property served by the sewer lateral and may be recovered in an action brought thereof in the name of the City; or, in the alternative, such cost and expenditure may be placed upon the municipal tax bill to be collected by the City of Rockland for the benefit of the City.
- B. Prior to the City causing a lien to be placed on the municipal tax bill, the City Clerk shall notify the property owner of the intent to place the cost of the repair/replacement on the municipal tax bill and shall give the property owner the opportunity to appear before the City Council to show cause for why such sums should not be placed on the municipal tax bill to be collected for the benefit of the City.
- C. Any and all sums determined to be due and owing to the City by resolution of the City Council shall accrue interest at the rate set by resolution.

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

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

1. Responsibility for Sewer Lateral Inspection, Repair and/or Replacement Prior to Sale. Prior to the sale or other change in ownership to property served by public sewerage, the property owner shall be responsible for performing a sewer lateral inspection, repair and/or replacement. No such inspection shall be required if the sewer lateral was installed or replaced within the preceding three years.

2. Responsibility for Sewer Lateral Inspection, Repair and/or Replacement Upon Change of Use or Improvement. In addition, ~~the applicant for permits for~~ (A) one or more Building Improvements that either (1) include an additional bathroom, bedroom, or kitchen modifications or (2) exceed \$50,000 in cost, or (B) a change of use, shall be responsible for performing sewer lateral inspection, repair and/or replacement. No such inspection shall be required if the sewer lateral was installed or replaced within the preceding three years.

~~A building permit therefor shall be obtained if one has not already been obtained.~~

432. Occupancy Contingent on Completion of Sewer Lateral Repair and/or Replacement. Occupancy permits following ~~for~~ Building Improvements and changes of use shall only be issued if the sewer lateral passes inspection.

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

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

23. Notice to Repair and Time Limits. A notice to repair will be issued by the Director when conditions are observed in conjunction with the City's inspection ~~repair and/or replacement of the sewer main which require repair and/or replacement of the sewer lateral.~~ Time limits for repair and/or replacement of the sewer lateral shall be stated in Section 20-403.

32. Responsibility for Repair and/or Replacement of Sewer Lateral. The property owner shall be responsible for repair and/or replacement of the upper sewer lateral in the case where the City is repairing and/or replacing the sewer main and/or the lower lateral. ~~The property owner shall also be responsible~~ for correcting all sources of inflow to the sewer lateral; provided, however, that no Notice of Repair shall be issued to the property owner and the City shall be responsible for the repair and/or replacement of the sewer lateral where the City caused the need for repair or replacement including, without limitation, by relocating the sewer main or by damaging the lateral during construction or maintenance activities. Where

it is demonstrated that a lower sewer lateral in need of repair was installed by or on behalf of the City, and not the property owner, and that the repair is needed as a result of poor workmanship or defective materials, the City and not the property owner shall be responsible for the cost of the repair.

4. *Repair Performed by the City and Recovery of Costs.* If the sewer lateral repair/replacement and/or root removal are not completed within the required time limits, including any extensions granted, the City may complete the required repair/replacement and/or root removal, and the costs thereof shall be recovered in accordance with Section 20-403.

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

1. *Responsibility for Inspection.* The City may perform smoke testing of sewer mains to detect sources of inflow or other inspections of sewer mains. Upon notification by the Director that smoke testing or inspection indicates the presence of inflow from private property or other defect in a sewer lateral, it shall be the responsibility of the property owner to perform an inspection of the sewer lateral according to the approved inspection methods described in Section 20-403.

23. *Notice to Repair and Time Limits.* A Notice to Repair will be issued by the Director when conditions are observed in conjunction with smoke testing or other inspection which require repair and/or replacement of the sewer lateral. Time limits for repair and/or replacement of the sewer lateral shall be stated in Section 20-403.

32. *Responsibility for Repair and/or Replacement of Sewer Lateral.* The property owner shall be responsible for repair and/or replacement of the sewer lateral in the case where a notice to repair has been issued as a result of smoke testing or other City inspection.

4. *Repair Performed by City and Recovery of Costs.* If the sewer lateral repair/replacement and/or root removal are not completed with the required time limits, including any extensions granted, the City may complete the required repair/replacement and/or root removal, and the costs thereof shall be recovered in accordance with Section 20-403.

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

1. *Authority* ~~Responsibility~~ *for Inspection.* The City may perform inspection of sewer laterals, including upon the occurrence of sanitary sewer overflows and/or sewer backups.

23. *Notice to Repair and Time Limits.* A Notice to Repair will be issued by the Director when conditions are observed in conjunction with sewer overflow and/or sewer backup which require repair and/or replacement of the sewer lateral. Time limits for repair and/or replacement of the sewer lateral shall be stated in Section 20-403.

32. *Responsibility for Repair and/or Replacement of Sewer Lateral.* The property owner shall

be responsible for repair and/or replacement of the upper lateral in the case where a notice to repair has been issued following a sanitary sewer overflow and/or a sewer backup. The property owner shall also be responsible for correcting all sources of inflow to the sewer lateral.

4. Repair Performed by City and Recovery of Costs. If the sewer lateral repair/replacement and/or root removal are not completed with the required time limits, including any extensions granted, the City shall complete the required repair/replacement and/or root removal, and the costs thereof shall be recovered in accordance with Section 20-403.

State Law Ref.: 38 M.R.S. § 3426.

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

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

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

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

Sponsor: Mayor Pritchett
Originator: Water Pollution Control
Facility Director

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

November 10, 2014

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

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

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

Sponsor: City Council
Originator: City Manager

First Reading 11/10/14
First Publication 11/20/14
Public Hearing 12/8/14
Final Passage _____
Second Publication _____
Effective Date _____

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

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

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

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

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

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

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

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

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

FY 2014: \$1,608.77

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

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

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

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

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

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

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

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

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

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

10. Remedies.

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

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

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

November 10, 2014

ORDINANCE AMENDMENT Authorizing a Municipal Quitclaim Deed – 63 Warren Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

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

Sponsor: City Council
Originator: City Manager

First Reading 11/10/14
First Publication 11/20/14
Public Hearing 12/8/14
Final Passage _____
Second Publication _____
Effective Date _____

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

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

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

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

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

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

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

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

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

FY 2014: \$1,289.23

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

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

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

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

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

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

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

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

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

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

20. Remedies.

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

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

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

November 10, 2014

ORDINANCE AMENDMENT Establishing the Commercial Corridor Overlay Zone

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

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

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

2. Zone Divisions.

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

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

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

* * *

Sec. 19-304 Zone Regulations

* * *

24. COMMERCIAL CORRIDOR OVERLAY ZONE (“CCOZ”)

A. Purpose.

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

B. Compatibility With Underlying Zones.

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

C. Standards.

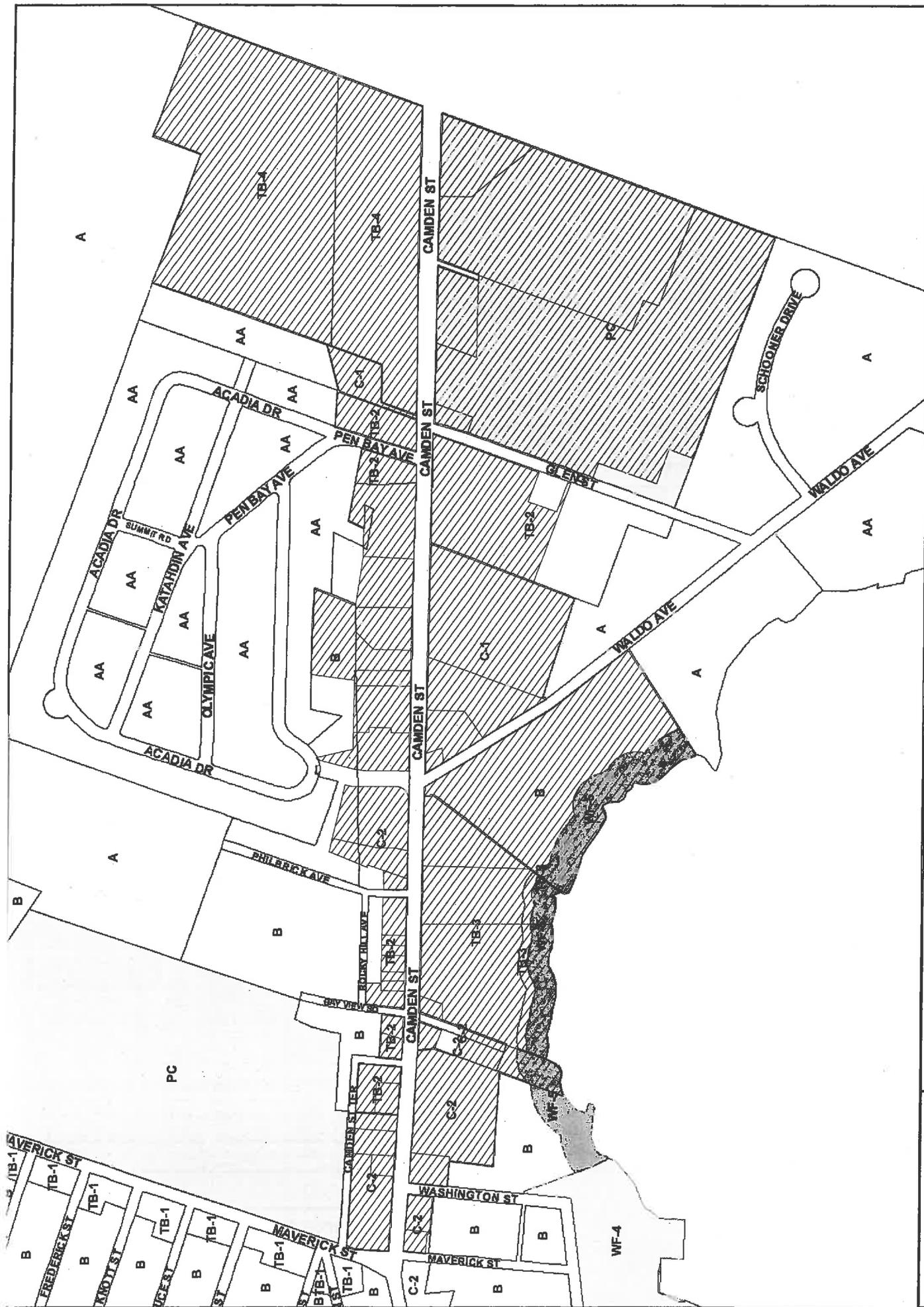
The following space and bulk standards shall apply to all lots and/or parcels of land in the Commercial Corridor Overlay Zone;

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

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

Sponsor: COUNCILOR ISGANITIS
Originator: Comprehensive Planning Commission

First Reading 11/10/14
First Publication 11/20/14
Public Hearing 12/8/14
Final Passage _____
Second Publication _____
Effective Date _____



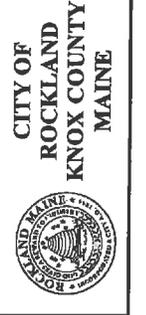
DISCLAIMER
 Tax maps are compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for assessment purposes only, and not for conveyance.

Printed: 10/23/2014

0 125 250 500 750 Feet

1 inch = 500 feet

**CITY OF
 ROCKLAND
 KNOX COUNTY
 MAINE**



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

D. Standards

	"TB1" ZONE	"TB2" ZONE	"TB3" ZONE	"TB4" ZONE	"C1" ZONE COMM & MIXED USE	"C2" ZONE NEW COMM & MIXED USE	"PC" ZONE NONRESIDENTIAL USE
Minimum Lot Size Non-Residential and Mixed Use	(*) 10,000 sf, sewerd; 20,000 sf, non-sewerd	(*) 10,000 sf, sewerd; 20,000 sf, non-sewerd	43,560 sf	43,560 sf	30,000 sf	21,780 sf	87,120 sq ft
Minimum Lot Size Residential Use	5,000 sf, sewerd; 20,000 sf, non-sewerd	5,000 sf, sewerd; 20,000 sf, non-sewerd	10,000 sf, sewerd; 20,000 sf, non-sewerd	10,000 sf, sewerd; 20,000 sf, non-sewerd	10,000 sf, sewerd; 20,000 sf, non-sewerd	1,200 sf, per dwelling	300 ft. along a public street
Required Lot Area for each Additional Dwelling Unit	5,000 sf, sewerd; 10,000 sf, non-sewerd	5,000 sf, sewerd; 10,000 sf, non-sewerd	5,000 sf, sewerd; 10,000 sf, non-sewerd	5,000 sf, sewerd; 10,000 sf, non-sewerd	1,200 sf, per dwelling	1,200 sf, per dwelling	N/A
Minimum First Floor Area Per Building	600 square feet	600 square feet	750 square feet	600 square feet	N/A	600 sf per dwelling	N/A
Maximum First Floor Area Per Building	N/A	N/A	N/A	140,000 sq ft	140,000 sq ft	N/A	N/A
Minimum Continuous Street Frontage along one street. Excludes Cul-de-sac	80 feet	80 feet	150 feet	150 feet	200 ft along public St	100 ft along public St	300 ft along public St
Minimum Setbacks Front ("CCOZ See Note (*) and Maximum Front Setback below) Side ("CCOZ) Rear	30-foot-(*2) 15 (10) feet 20 feet	30-foot-(*2) 15 (10) feet 20 feet	30-foot-(*2) 15 (10) feet 1-Family 20ft. Others 30ft.	30-foot-(*2) 15 (10) feet 1-Family 20ft. Others 30ft.	50-foot-(*3) 20 (10) feet 30 feet	30-foot-(*4) 15 (10) feet 20 feet	50-foot 50 (10) feet 50 feet
("CCOZ) Maximum Front Setback. Also read text in CCOZ for front setbacks (*8)	<u>10 Feet (*8)</u>	<u>10 Feet (*8)</u>	<u>10 Feet (*8)</u>	<u>10 Feet (*8)</u>	<u>10 Feet (*8)</u>	<u>10 Feet (*8)</u>	<u>10 Feet (*8)</u>
("CCOZ) Minimum Landscaped Front Setback for Surface Parking Areas	<u>40 Feet</u>	<u>40 Feet</u>	<u>40 Feet</u>	<u>40 Feet</u>	<u>40 Feet</u>	<u>40 Feet</u>	<u>40 Feet</u>
Side (10ft side setback in CCOZ, see above) and rear setbacks for nonresidential or mixed use abutting a residential zone or use	Side 30-feet, <u>10 feet</u> Rear 30 feet	Side 30 feet, <u>10 feet</u> Rear 30 feet	Side 75-feet, <u>10 feet</u> Rear 30 feet	Side 75-feet, <u>10 feet</u> Rear 30 feet	Side 30 feet, <u>10 feet</u> Rear 30 feet	Side 30 feet, <u>10 feet</u> Rear 30 feet	Side 75-feet, <u>10 feet</u> Rear 30 feet
Minimum Rear Setback for an Accessory Structure over 700 square feet or portion thereof over 700 square feet)	20 feet	N/A	20 feet	20 feet	N/A	N/A	N/A
Minimum Rear Setback - Exception for accessory structure less than 700sf and max. height of 18 ft.	5 feet	5 feet	5 feet	5 feet	N/A	N/A	5 feet

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

	"TB1" ZONE	"TB2" ZONE	"TB3" ZONE	"TB4" ZONE	"C1" ZONE	"C2" ZONE	"PC" ZONE
Maximum Building Coverage ^(*)CCOZ)	40% (85%)	40% (85%)	30% (85%)	30% (85%)	40% (85%)	50% (85%)	N/A (85%)
Maximum Lot Coverage ^(*)CCOZ)	60% (85%)	60% (85%)	60% (85%)	60% (85%)	80% (85%)	80% (85%)	85% (85%)
Maximum Building Height	35 feet and 2 1/2 stories	35 feet and 2 1/2 stories	35 feet	40 feet	45 feet	35 feet	Either 2 1/2 stories or 35 feet
^{(*)CCOZ) Minimum Principal Bldg. Height}	2 functional stories	2 functional stories	2 functional stories	2 functional stories	2 functional stories	2 functional stories	2 functional stories
Minimum Distance Between Curb Cuts ^(*)6)	50 ft. along a public st., but at least one allowed per lot	150 ft. along a public st., but at least one allowed per lot	150 ft. along a public st., but at least one allowed per lot	150 ft. along a public st., but at least one allowed per lot	175 ft. along a public st., but at least one allowed per lot	100 ft. along a public st., but at least one allowed per lot	300 ft. along a public st., but at least one allowed per lot
^{(*)CCOZ) Surface Parking Lots}	Areas for surface parking may not be located between a building and a street, except to provide handicap parking.						
^{(*)CCOZ) Parking}	Pursuant to Sec. 19-307(8), the parking permit-issuing authority may allow deviations from the parking requirements set forth in Sec. 19-307(6)(E) where the applicant submits a parking management plan acceptable to such authority that incorporates shared parking, provisions for one or more mass transit stops and shelters, short term parking limitations for commercial uses, and/or other parking solutions that reduce the anticipated on-site parking needs for the development.						
^{(*)CCOZ) View Corridors}	Buildings shall be so situated so that existing water views from public streets shall be maintained by providing - notwithstanding anything to the contrary in this or the underlying zones - a minimum building side setback of twenty (20) feet; provided, however that the Planning Board may permit the substitution of a view corridor between buildings within a lot for the side setback.						

Notes:

(*)1) Change of use of an existing structure from an exclusively residential use to a Mixed Use, on an existing lot of record as of March 11, 2013, which lot does not meet the dimensional standards for Mixed Uses may be approved by the Planning Board after Site Plan Review as a Conditional Use.

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

(*)3) Provided that the 30 ft. closest to the lot line shall be landscaped, remain unpaved except for sidewalk and access drives, and not to be used for off-street parking or outdoor storage in each yard abutting a street or if such plan is approved by the Planning Board, the minimum front yard shall be 30 ft.

(*)4) Except 30 ft. front setback on Route 1 north of Main St.

(*)5) Side and rear setbacks shall not be used for off-street parking or outdoor storage.

(*)6) Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.

CCOZ Notes:

(*)7) Minimum Front Setback. None; provided, however, that in the event the public right-of-way upon which the parcel fronts cannot fully accommodate an esplanade and sidewalk between the proposed structure or addition and the outer edge of the existing paved roadway or - if the City Council has adopted a master plan for alterations to the right-of-way - the outer edge of the proposed alteration of the paved roadway, then any new structure or addition shall be set back the lesser of ten feet or such distance as may be needed to accommodate such sidewalk and esplanade within the parcel.

(*)8) Ten feet; provided, however, that in the event a minimum front setback is imposed under these overlay standards, the maximum front setback shall be measured from the outer edge of the sidewalk and esplanade.

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

November 10, 2014

ORDINANCE AMENDMENT Authorizing Zoning Map Amendment

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

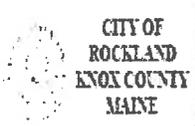
THAT the Commercial Corridor Overlay Zone, adopted by the City Council pursuant to Ordinance Amendment #36 which became effective on _____, shall encompass the area defined by the listed parcels (see attached list of parcels and map).

Sponsor: Councilor Isganitis
Originator: Comprehensive Planning Commission

First Reading 11/10/14
First Publication 11/20/14
Public Hearing 12/8/14
Final Passage _____
Second Publication _____
Effective Date _____

Tax Map #**Street Address**

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



CITY OF
ROCKLAND
KNOX COUNTY
MAINE

Printed: 10/23/2014

0 125 250 500 750

Feet

1 inch = 500 feet

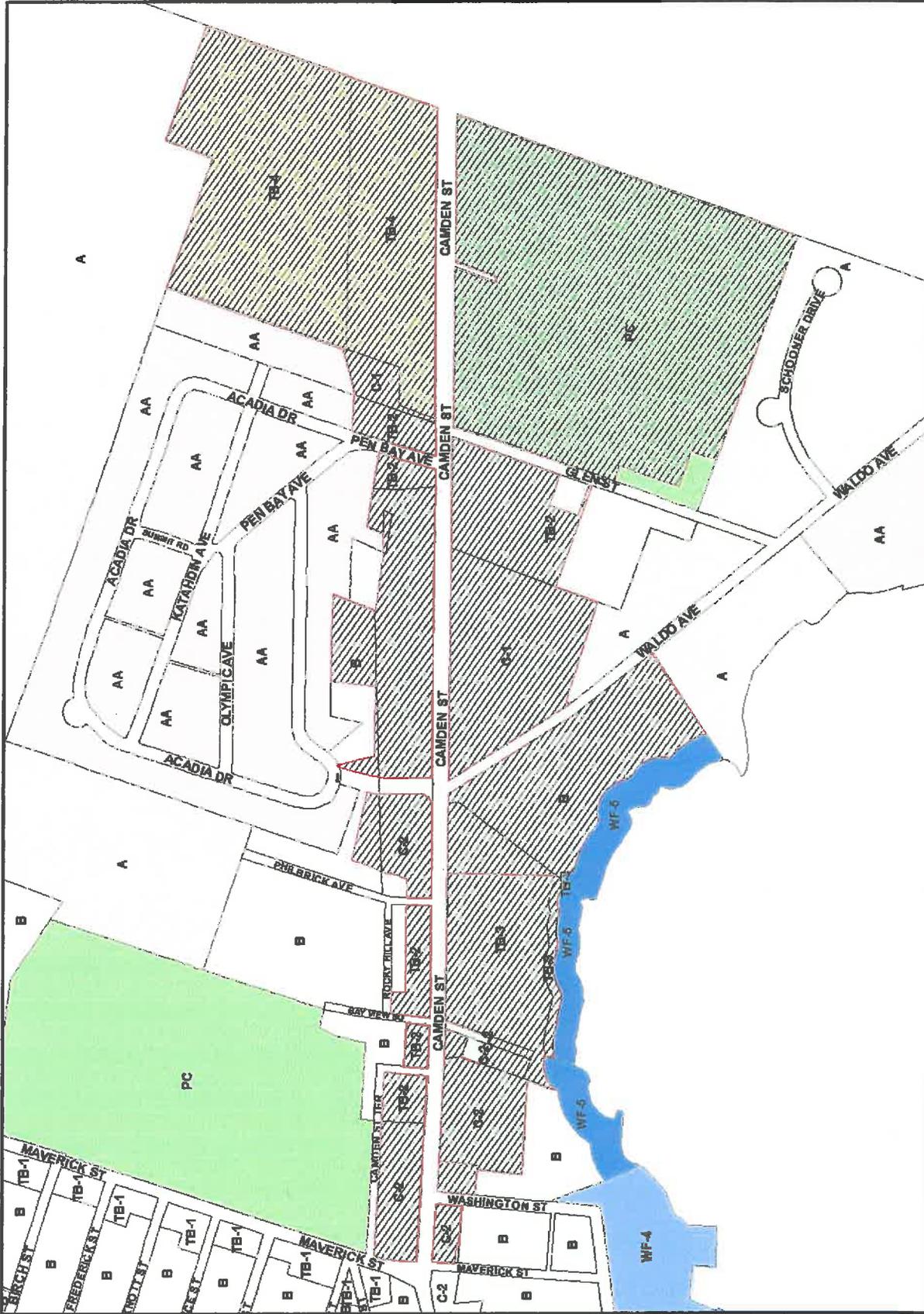


DISCLAIMER

This map is compiled from aerial photography, existing surveys, deeds, and deedmaker's descriptions. They are to be used for informational purposes only and not for conveyance.

PROPOSED AMENDMENT TO ORDINANCE AMENDMENT #37

Tax Map #	Street Address
29C3	131 CAMDEN STREET <u>except for that portion of the property zoned Waterfront "WF-5"</u>
35A8	270 CAMDEN STREET
36A5	200 CAMDEN STREET
36A2	9 BELYEA AVENUE
28C10	104 CAMDEN STREET
28C9	106 CAMDEN STREET
28C8	108 CAMDEN STREET
15B1	65 CAMDEN STREET
15B15	59 CAMDEN STREET
15A4	73 CAMDEN STREET
15A1	91 CAMDEN STREET
28D9	99 CAMDEN STREET
28D2	107 CAMDEN STREET <u>except for that portion of the property zoned Waterfront "WF-5"</u>
28D3	103 CAMDEN STREET
29C3-1	137 CAMDEN STREET
29C1	1 WALDO AVENUE
34A3	245 CAMDEN STREET
34A1	265 CAMDEN STREET
34A1-2	273 CAMDEN STREET
34A7	3 GLEN STREET
36B1	201 CAMDEN STREET
36B3	179 CAMDEN STREET
29B2	145 CAMDEN STREET
29B3	143 CAMDEN STREET
29B1	169 CAMDEN STREET
36A8	190 CAMDEN STREET
36A3	220 CAMDEN STREET
29A2	172 CAMDEN STREET
28C7	110 CAMDEN STREET
28C4	116 CAMDEN STREET
28C3	118 CAMDEN STREET
28C2	124 CAMDEN STREET
28A6	130 CAMDEN STREET
29A1	182 CAMDEN STREET
29A3	170 CAMDEN STREET
29A10	136 CAMDEN STREET
29A11	132 CAMDEN STREET
27A7	96 CAMDEN STREET
27A6	98A CAMDEN STREET
27B6	60 CAMDEN STREET
27B5	74 CAMDEN STREET
27B4	80 CAMDEN STREET
27B3	82 CAMDEN STREET
27B2	88 CAMDEN STREET
27B1	92 CAMDEN STREET
34A2	235 CAMDEN STREET
29A4-2	168 CAMDEN STREET
29A4	166 CAMDEN STREET



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



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

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #38

IN CITY COUNCIL

November 10, 2014

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

Purpose:

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

Findings:

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

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

Retroactivity:

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

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

ARTICLE III Zoning Ordinance

* * *

Sec. 19-302 Words and Phrases Defined

ADD:

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

* * *

Sec. 19-304 Zone Regulations

* * *

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

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

* * *

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

otherwise provided for in this Article.

* * *

(2) Conditional Uses.

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

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

* * *

C. Standards.

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

Table 304-10

"C1" ZONE

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

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

* * *

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

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

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

* * *

(2) Conditional Uses.

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

- (a) Adult Amusement Stores.

(3) Prohibited Uses.

* * *

C. Standards.

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

Table 304-12

"C3" ZONE

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

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

13. Plaza Commercial Zone "PC" Regulations.

A. Purpose.

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

B. Use Regulations.

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

* * *

(2) Conditional Uses.

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

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

(a) Adult Amusement Stores.

(32) Prohibited Uses

* * *

C. Standards.

(1) The standards of Section 19-316 shall be observed.

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

Table 304-13

"PC" ZONE

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

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

Sec. 19-315 Signs

* * *

3. Sign Standards.

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

* * *

ADD:

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

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

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

(e) Be located off-site;

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

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

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

Sponsor: Councilor MacLellan-Ruf
Originator: Code Enforcement Officer

First Reading 11/10/14
First Publication 11/20/14
Public Hearing 12/8/14
Final Passage _____
Second Publication _____
Effective Date _____

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #39

IN CITY COUNCIL

November 10, 2014

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

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

Findings:

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

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

Retroactivity:

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

ADD:

ARTICLE XII Licensing of Adult Amusement Stores

Sec. 11-1201 Purpose

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

Sec. 11-1202 License Required

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

Sec. 11-1203 Licensing Authority

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

Sec. 11-1204 Definitions

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

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

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

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

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

Sec. 11-1205 Fees

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

Sec. 11-1206 Application and Information

Every applicant for an Adult Amusement Store license shall:

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

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

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

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

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

Sec. 11-1207 Qualification of Officers

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

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

Sec. 11-1208 Administrative Denial of Application

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

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

Sec. 11-1209 Investigation of Applicant

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

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

Sec. 11-1210 Notice of Hearing

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

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

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

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

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

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

Sec. 11-1211 City Council Review Criteria

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

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

2. The applicant provided false information in its application;

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

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

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

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

Sec. 11-1212 Operations

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

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

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

12. The licensed premises shall be subject to inspection by State or municipal law enforcement and/or code enforcement officers at any time, at the request of the City Council or City Manager; and
13. Every Adult Amusement Store shall exhibit its license at all times in a conspicuous place on the licensed premises.

Sec. 11-1213 Licenses Not To Be Transferable

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

Sec. 11-1214 Expiration

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

Sec. 11-1215 Proximity to Certain Establishments

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

Sec. 11-1216 Entertainment License

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

Sec. 11-1217 Suspension or Revocation

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

Sec. 11-1218 Appeals

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

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

Sec. 11-1219 Penalty

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

Sponsor: Councilor MacLellan-Ruf
Originator: Police Chief

First Reading 11/10/14
First Publication 11/20/14
Public Hearing 12/8/14
Final Passage _____
Second Publication _____
Effective Date _____

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #40

IN CITY COUNCIL

December 8, 2014

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

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

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

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

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

A. Standing For Appeals Under Chapters 4, 7, or 19. Any person having a potential ~~particularized direct and personal injury as a result of~~, and any owner or lessee of abutting property or of parcels located entirely or partially within 300 feet of property that is the subject of any decision, action, or inaction of the Code Enforcement Officer ~~or other authorized official under Chapter 4, 7, or 19, may have standing to appeal such decision, action, or failure to act to the Zoning Board of Appeals, and may appeal a decision of such Board to the Superior Court, as provided by law or rule of civil procedure.~~

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

~~the subject of the appeal. The Zoning Board of Appeals shall hear such appeal fix a reasonable time within ninety (90) days six months for the hearing of the appeal, which deadline may be extended by the Chair upon the agreement of the parties.; A failure by the Board to decide the appeal within six months of the date of a completed notice of appeal shall be deemed a denial of the appeal. The Chair may require that the parties appellant(s) submit a narrative summary, a list of witnesses to be called at the hearing, and copies of exhibits to be submitted to the Board for its consideration of the appeal and of the grounds therefor; and, at least one (1) week prior to the hearing, shall give public notice of such hearing by publication in at least one (1) issue of a newspaper of general circulation published in the City, and, with respect to appeals brought pursuant Chapter 4, 7, or 19, by mailing notification to land owners within 300 feet of the subject property. The appellant and applicant may appear in person, or by attorney or other agent.~~

C. Standard of Review; Burden of Proof. ~~When acting in this an appellate capacity, the Zoning Board of Appeals shall review the matter de novo. That is, the Board shall hold a hearing at which it may receive and consider all relevant evidence, either written or oral; the Board's review shall not be limited to the information reviewed by the Code Enforcement Officer at the time of the decision being appealed. may reverse the decision of the Code Enforcement Officer only upon a finding that the decision was contrary to specific provisions of the Rockland Code of Ordinances, or contrary to the facts presented to the Code Enforcement Officer at or prior to his decision. The Board may remand the matter to the Code Enforcement Officer for further consideration, specifying the information to be obtained and/or considered upon remand, or may sustain the decision of the Code Enforcement Officer or grant the appeal and vacate or modify the decision that is the subject of the appeal. The party person that filing the appeal shall have the burden of proof as to all matters in the appeal.~~

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

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

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

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

B. Procedure. The person requesting a variance shall file with the Code Enforcement Office a Variance Application on a form provided for that purpose by the Code Enforcement Office, and pay to the City the variance application fee as prescribed by Order of the City Council, which fee is calculated to cover the various costs to the City including, but not limited to, publishing notice of hearing, notifying land owners, and reviewing the variance application. A detailed and scaled site plan showing the shape and dimensions of the lot, the dimensions and location of existing and proposed buildings and additions, any natural or topographic peculiarities of the lot, the location of any water body adjacent to the property, and the distances to the nearest principal and accessory structures on abutting properties must be included with the variance application. The Code Enforcement Officer shall determine when a variance application is complete, and forthwith transmit to the Board a copy of the completed application. Though determined to be complete by the Code Enforcement Officer, the Chair may request additional information relating to the application. The Zoning Board of Appeals shall hear and grant, grant with conditions, or deny the application within ninety (90) days of the date of the completed application, which deadline may be extended by the Chair upon the agreement of the parties. A failure by the Board to issue a decision on the application within six months of the date of the completed application shall be deemed a denial of the application. The Board, at least one (1) week prior to the hearing, shall give public notice of such hearing by publication in at least one (1) issue of a newspaper of general circulation in the City, and by mailing notification to land owners within 300 feet of the subject property. The applicant may appear in person, or by attorney or other agent. The decision of the Board of Appeals shall be in writing, and shall be effective as of the earlier of the date of such written notice of decision or the date the decision is announced by the Board Chair at a meeting of which the applicant was provided notice. The written notice of decision shall include, as conditions, the time limitations set forth in Subsection 19-202(2)(F).

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

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

E. Evidence of Recordation. If granted, the approved variance shall be set forth in a certificate that shall be recorded by the applicant on the Knox County Registry of Deeds within ninety (90) days. The Code Enforcement Officer may not issue a building permit for work

authorized by a variance until and unless he is provided with evidence of its recordation.

F. Commencement, Completion of the Work. The work ~~or change~~ authorized by involving the variance shall be commenced within six (6) months ~~of the granting of the variance~~ and shall be substantially completed within one (1) year of the date on which the variance is effective, granted unless the Board grants an extension of either period. The variance shall provide by its terms that rights thereunder will cease unless work is thus commenced and substantially completed. ~~No variance shall be granted for a use not allowed within the zone in which the property is located.~~

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

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

4. Appeals to Superior Court. Pursuant to Title 30-A, Maine Revised Statutes, Section 2691(3)(G) and Maine Rule of Civil Procedure 80B, any party who participated in a proceeding before the Zoning Board of Appeals and who has a particularized injury may appeal the decision of the Board to Superior Court within 45 days of the date of the vote on the original decision.

* * *

ARTICLE III Zone Regulations

Sec. 19-304(20) Shoreland Zone Ordinance

* * *

16. Administration.

* * *

H. Appeals

Any appeal of a decision of the Code Enforcement Officer under Section 19-304(20), or a variance request, shall be heard by the Zoning Board of Appeals pursuant to Chapter 19, Article II, Section 19-202. A decision of the Planning Board regarding the application of the Shoreland Ordinance to an application for approval of a subdivision or site plan may be appealed under Ch. 16, Art. I, § 16-109 or Art. II, § 16-26, respectively, to the Knox County Superior Court, pursuant to Maine Rule of Civil Procedure 80B. ~~Any such appeal must be filed with the court within thirty (30) days of the decision appealed from. Such appeal shall be reviewed by the court consistent with state law and/or the Maine Rules of Civil Procedure, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board.~~

~~————(1) Powers and Duties of the Zoning Board of Appeals. The Zoning Board of Appeals shall have the following powers:~~

~~(a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by any person having a potential direct and personal injury, or by any owner or lessee of abutting property or of property located entirely or partially within 300 feet of the affected property, that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in the administration of this Ordinance.~~

~~(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.~~

~~* * *~~

~~(3) Administrative Appeals~~

~~————When the Board of Appeals reviews an appeal of a decision of the Code Enforcement Officer, the Board of Appeals shall review the matter *de novo*. That is, the Board shall hold a hearing at which it may receive and consider all relevant evidence, either written or oral; the Board's review shall not be limited to the information reviewed by the Code Enforcement Officer at the time of the decision being appealed. may reverse the decision only upon a finding that the decision was contrary to specific provisions of the Ordinance, or unsupported by substantial evidence before the Code Enforcement Officer at the time of his/her decision. The Board Appeals shall not receive or consider any evidence which was not presented to the Code Enforcement Officer, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the administrative record was inadequate, the Board of Appeals may remand the matter to the Code Enforcement Officer for additional fact finding.~~

~~————(4) Appeal Procedure~~

~~(a) Making an Appeal~~

~~(i) An administrative appeal or variance appeal may be madetaken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.~~

~~(ii) Applications for appeals shall be made by filing with the Code Enforcement Office a written notice of appeal which includes:~~

~~a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.~~

~~b. — A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.~~

~~(iii) Applications for variances shall be made in the same manner as is provided for administrative appeals.~~

~~(ivii) Upon receiving an application for an administrative appeal or for a variance, the Code Enforcement Officer, as appropriate, shall transmit to the Board of Appeals a copy of the application and, in the case of an appeal, of the decision that is the subject of the appeal all of the papers constituting the record of the decision appealed from.~~

~~(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.~~

* * *

ARTICLE VI Floodplain Management

* * *

ARTICLE X - APPEALS AND VARIANCES

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

* * *

CHAPTER 14 Sewers, Drains and Solid Waste

ARTICLE IV Use of Public and Private Sewers and Drains

Sec. 14-423 Board of Sewer Appeals

* * *

4. Appeal Procedure.

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

B. *Appeal Deadline.* Within thirty (30) days of the date of the decision of the Director

or Local Plumbing Inspector, the appeal shall be entered at the Code Enforcement Office of the City Clerk upon forms to be approved by the Board of Appeals. The appellant shall set forth in the form the grounds of his appeal and shall refer to the specific provisions of Article IV involved.

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

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

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

CITY OF ROCKLAND, MAINE

ORDER #92

IN CITY COUNCIL

December 8, 2014

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, 2015, 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 #93

IN CITY COUNCIL

December 8, 2014

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, 2015, 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 #94

IN CITY COUNCIL

December 8, 2014

ORDER Authorizing expenditure of Fisher TIF funds for completion of Harbor Trail along Mechanic Street and reserve funds for Atlantic Street portion.

WHEREAS, the City has secured \$35,000 in grant funding from the Recreation Trail Program to build a portion of the Harbor Trail along Mechanic Street; and

WHEREAS, the City has dedicated \$9,000 from the Fisher Engineering TIF as match to the RTP grant; and

WHEREAS, the Harbor Trail Committee has reviewed and approved of the engineered plans for this project; and

WHEREAS, the final engineering and cost estimates for this project are \$20,000 over the estimated costs; and

WHEREAS, the completion of the Mechanic and Atlantic Street portions of the Harbor Trail will provide for a safe walking path from Snow Marine Drive to Harbor Park and Downtown; and

WHEREAS, it is expected that the City will apply for and be considered favorably for funding from the RTP in 2015 for the completion of the Harbor Trail along Atlantic Street; and

WHEREAS, the City wishes to complete the Mechanic Street project and reserve funds for an application to RTP or other grants for completion of Atlantic Street;

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

THAT, the City Manager is hereby authorized to expend up to \$20,000 from the Fisher Engineering Development Program (Account #10000-1898) from FY 2015 and \$16,000 from the same account from FY 2016 to complete the Mechanic Street project and reserve funds for the Atlantic Street portion of Harbor Trail.

Sponsor: City Manager

Originator: Community Development Director

CITY OF ROCKLAND, MAINE

ORDER #95

IN CITY COUNCIL

December 8, 2014

ORDER Authorizing expenditure of Downtown TIF funds for completion of part one of Phase 1 of Thorndike Parking Lot project.

WHEREAS, the City has approved designed improvements to the Thorndike Parking Lot; and

WHEREAS, said Plans make use of the Community for Maine's Future Program grant funds; and

WHEREAS, said Plans make use of private contributions from the owner of 449 Main Street and other properties along block; and

WHEREAS, said Plans have been bid and as a result revised and now include a part one as detailed on the attached budget; and

WHEREAS, said Plans including improvements to the Tillson Avenue north side sidewalk from Main to the entry to the Thorndike Parking lot require additional funds to complete; and

WHEREAS, the City wishes to proceed with this project; and

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

THAT, the City Manager is hereby authorized to expend up to \$20,000 from the Downtown TIF Development Program (Account #10000-1899) from FY 2015 and \$17,000 from the same account from FY 2016 for the balance of part one of Phase I of the project.

Sponsor: City Manager

Originator: Community Development Director

CITY OF ROCKLAND, MAINE

ORDER #96

IN CITY COUNCIL

December 8, 2014

ORDER Amending Solid Waste Disposal Facility Fee Schedule

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, the fee schedule for the City's Solid Waste Disposal Facility, as amended 06/30/14, be further amended as follows:

* * * *

PERMIT AND LICENSE FEES

Resident Permit	\$135.00 per year if purchased on or before 04/30/15, which fee shall permit MSW disposals through 05/01/15; no fee thereafter
Commercial Permit	\$ no fee (<u>Disposal Fee: \$115 per ton through 05/01/2015, then \$125 per ton from 05/01/2015 on</u>).
Recycling Permit	\$0 per year (to be discontinued on 05/01/15)
Seasonal Permit	\$135.00 per year if purchased on or before 04/30/15, which fee shall permit MSW disposals through 05/01/15; no fee thereafter
Commercial Hauler License Fee	\$250.00 per year
Non-Resident Contractor Permit (each job)	\$20.00 per job
Non-Resident Landscape Contractor Permit	\$72.00 per year
Temporary General Permit	no fee

Sponsor: City Manager
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER #97

IN CITY COUNCIL

December 8, 2014

ORDER Authorizing Expenditure of Reserve Funds – Library Building Evaluation

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to expend up to \$28,634 from the City Land Sale Reserve Account (#70000-01724) to cover the cost of Casco Bay Engineering of Portland, Maine, to provide a study of existing conditions of the Rockland Public Library, and to provide rehabilitation needs and repair options with cost estimates, in substantial conformance with the attached Statement of Services and Deliverables.

Sponsor: City Manager

Originator: City Manager



STATEMENT OF SERVICES & DELIVERABLES

Thank you for the opportunity to provide you with a Professional Engineering Evaluation and repair for the Rockland Library located in Rockland, Maine. The team set forth is Casco Bay Engineering and Resurgence Engineering & Preservation, Inc. In general, our services will include the study of existing conditions and rehabilitation needs of the existing building with repair options and bidding assistance. Our scope of these services is as follows:

SCOPE OF SERVICES & DELIVERABLES

- Provide an initial meeting with the Client to review the project objectives and to establish priorities.
- Procure existing building documents from the client including structural and architectural drawings for review and use in the report and cost opinion.
- Provide an initial site visit including the engineering team to document existing building conditions for project repair.
- Provide additional site visits to document existing conditions as required for the report and repair options and cost opinion.
- Determine façade integrity, water intrusion pathways, overall weatherization performance as well as repair options for all areas noted on the plan sheet included as Attachment D and listed below:
 - 1) General condition of mortar on 2001 & 1904 wings and the extent of repointing needed;
 - 2) General condition of all parapets, cheek walls and related flashing on both 2001 and 1904 wings;
 - 3) Mortar failure in the active chimney in 2001 wing;
 - 4) Mortar failure and design limitations of West (Main) Entrance Parapet as well as moisture intrusion into the wall below the parapet;
 - 5) Pathways for water intrusion into and structural integrity of 1904 Wing North Wall Parapet, cheek wall below the parapet as well as separation between inner brick and outer granite masonry layers above the arched windows and around the chimney;
 - 6) Drainage from area in back of Children's Garden bulkhead and from west wall gutters;
 - 7) Guidance on plantings to minimize negative impacts to the integrity of the building's masonry and drainage from building perimeter
 - 8) South Chimney water intrusion inspection and provide repair recommendations.
- Review existing building façade elevations and sections in existing drawings.
- Provide engineering evaluation of the north façade above arched windows (& as far

- down the wall as necessary) as well as west/main entry parapet and wall below it.
- Issue a report identifying deficiencies in areas noted above while presenting options for remediation.
- Present and discuss report with options to City of Rockland.
- Provide repair documents including drawings and specifications for construction.
- Provide assistance with project bidding for construction.
- Provide coordination with City for construction administration.

SERVICES & DELIVERABLES PROVIDED BY OTHERS

- City of Rockland to provide existing structural and architectural drawings prior to initial meeting with Client (City of Rockland). City of Rockland to provide repair history to building as available prior to initial meeting with Client.
- Local site design, approvals and permitting.

SERVICES NOT INCLUDED

- Evaluation or construction of any other portion of the building not included in Scope of Casco Bay Engineering Services above.
- Final as-built documents at project close-out including architectural, structural, mechanical, electrical, piping and plumbing plans and details.
- Permit fees associated with the project.
- Special Inspections during construction.
- Construction administration (under separate hourly contract)

ADDITIONAL SERVICES & DELIVERABLES

Any and all changes to the Project by others shall be considered additional services. Additional scope may be added to the project provided Casco Bay Engineering and the City of Rockland can agree on a new scope of services and compensation and may be performed on an hourly basis at prevailing rates as outlined in the Schedule B- Statement of Fees & Costs.

- Destructive testing of and exposing enclosed systems for evaluation.
- Additional field visits beyond estimated number of site visits for each firm as outlined in Fee Schedule.

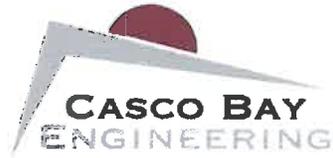
GENERAL CONDITIONS

Please reference the Schedule C Attachment- GENERAL CONDITIONS on the following pages for standard terms and conditions.

Thank you for the opportunity to work with you. Sincerely,

Eric Dube, P.E.
Principal
Casco Bay Engineering

RESURGENCE
ENGINEERING AND PRESERVATION, INC.



SCHEDULE B - FEES FOR PROFESSIONAL SERVICES

Engineering

Site inspection, information gathering and documentation

Principal Engineer	\$ 125.00/hr	44 hours x \$125	\$ 5,500.00
Design Engineer	\$ 95.00/hr	24 hours x \$ 95	\$ 2,280.00

Mileage 160 miles x 0.60 =	\$96.00 per trip x 4 trips		\$ 384.00
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Compile field data with report and cost opinion

Principal Engineer	\$ 125.00/hr	32 hours x \$125	\$ 4,000.00
Design Engineer	\$ 95.00/hr	20 hours x \$ 95	\$ 1,900.00

Design and analysis and project detailing

Principal Engineer	\$ 125.00/hr	12 hours x \$125	\$ 1,500.00
Design Engineer	\$ 95.00/hr	12 hours x \$ 95	\$ 1,140.00

Design and analysis and project detailing

Principal Engineer	\$ 125.00/hr	12 hours x \$125	\$ 1,500.00
Design Engineer	\$ 95.00/hr	12 hours x \$ 95	\$ 1,140.00

Drafting and design for repairs

Design Engineer	\$ 95.00/hr	40 hours x \$ 95	\$ 3,800.00
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Provide specifications for project repair

Principal Engineer	\$ 125.00/hr	8 hours x \$125	\$ 1,000.00
Design Engineer	\$ 95.00/hr	30 hours x \$ 95	\$ 2,850.00

Project Management and bidding

Principal Engineer	\$ 125.00/hr	16 hours x \$125	\$ 2,000.00
Design Engineer	\$ 95.00/hr	24 hours x \$ 95	\$ 2,280.00

Estimated Total Cost to City	\$ 28,634.00
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CITY OF ROCKLAND, MAINE

ORDER #98

IN CITY COUNCIL

December 8, 2014

ORDER Authorizing Salary Adjustments – City Attorney & City Clerk

WHEREAS, the cost of living salary adjustments for all City employees were allocated in the FY2015 Municipal Budget adopted by the City Council on June 30, 2014; and

WHEREAS, the cost of living salary adjustments were granted as of July 1, 2014 for all City employees for FY 2015 with the exception of the City Attorney and City Clerk, even though the funds were budgeted and available for distribution;

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

THAT the City Manager is hereby authorized to make the following cost of living salary adjustments for the City Attorney and the City Clerk, retroactive to July 1, 2014.

City Attorney Full-Time Payroll:	\$2,321.86
City Clerk Full-Time Payroll:	\$1,589.03

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis