

REGULAR MEETING

AGENDA

January 11, 2016

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum of not more than 30 minutes (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
 - a. City Manager’s Report
 - b. City Attorney’s Report
 - c. Other Official’s Report
 - d. Mayor’s Report
7. Licenses and Permits:
 - a. Liquor & Amusement Device Licenses – Pizza Hut
 - b. Liquor License – Main Street Markets
 - c. Lodging House License – The Lindsey Hotel
 - d. Liquor & Entertainment Licenses – Suzuki’s Sushi
 - e. Liquor License (Bottle Club – State License Only) – Penobscot School
8. Resolves:

#49 Adopting Vision Statement (Postponed 11/14/15)	City Council
# 1 Commendation – A. Miceli	City Council
# 2 Commendation – C. Young	City Council
# 3 Accepting Donation – Holiday Decorations	City Council
# 4 Accepting Donations – Library	City Council
# 5 Appointments to Mid-Coast Regional Planning Commission	Mayor MacLellan-Ruf
# 6 Re-Appointments to Boards & Commissions	Mayor MacLellan-Ruf
9. Ordinances in Final Reading and Public Hearing:

#41 Ch. 11, Sec. 11-210 Short Term Rentals (Postponed 12/14/15)	City Council
#42 Ch. 19, Art. III Short Term Rentals (Postponed 12/14/15)	City Council
#47 Authorizing Quit Claim Deed – Reconveyance of 258 Rankin St.	City Council
#48 Establishing Moratorium – Power Generation Facilities	Councilor Jillson
10. Ordinances in First Reading:

#46 Ch. 8, Sec. 8-708 GA Max Levels of Asst. (Postponed 12/14/15)	City Council
# 1 Ch. 2, Sec. 2-1202 & 2-1203 Personnel Code	Councilor Jillson
# 2 Authorizing Quit Claim Deed – Sale of 224 Old County Road	Councilor Pritchett
11. Orders:

# 1 Accepting Forfeited Assets – Natale/Walsh	City Manager
# 2 Establishing Ad Hoc Committee – RSU #13/Education Options	Mayor MacLellan-Ruf
# 3 Authorizing RFPs – Production of Cable Access Channels	City Manager
# 4 Authorizing Use of Undesignated Fund Balance – Prof Services	City Manager
# 5 Authorizing Data Reporting – Short Term Rentals	Councilor Pritchett
12. Adjournment.

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

Name of Applicant Capital Pizza Huts Phone _____

Address of Applicant 3445 N Webb Road
Wichita, KS 67226-8190

Name of Business Pizza Hut Phone (207) 947-6915

Address of Business 190 Camden Street, Rockland, ME 04841

Name of Property Owner (if different) William Bird

Type of License(s): Liquor Victualer Entertainment
 Lodging House Commercial Hauler Landscape Contractor
 Billiard Room Second Hand Merchant Other (Specify) Amuse Device (1)

Type of Business Restaurant

Expiration of Current License 2/12/16

Fee(s) Paid \$275.00 Date 12/28/15

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

Applicant's Signature *Paul R. Brown* Date 12/21/15

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

[Signature] Code Officer 1/8/16 Date
Approved Inspected; See Report

[Signature] Fire Inspector 1/8/16 Date
Approved Inspected; See Report

[Signature] Police Chief 1/4/16 Date

[Signature] City Clerk 1/8/16 Date

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

Name of Applicant Jennifer Rockwell Phone 207.970.5333

Address of Applicant 435 Main Street
Rockland, ME 04841

Name of Business Main Street Markets Phone 207.594.8515

Address of Business 435 Main Street
Rockland, ME 04841

Name of Property Owner (if different) Richard Rockwell/Jennifer Rockwell/Main Street Markets LLC

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

Type of Business Specialty Retail Grocer & Cafe

Expiration of Current License NEW

Fee(s) Paid _____ 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 [Signature] Date 12/12/15
Approved By: _____ License # _____

[Signature] Code Officer 1/8/16 Date
Approved _____ Inspected; See Report

[Signature] Fire Inspector 1/8/16 Date
Approved _____ Inspected; See Report

[Signature] Police Chief 4/6/15 Date

[Signature] City Clerk 1/8/16 Date

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

Name of Applicant Lindsey House LLC Phone (239) 287-7593

Address of Applicant 5 Lindsey Street
Rockland, ME 04841

Name of Business The Lindsey Hotel Phone (207) 596-7950

Address of Business 5 Lindsey Street
Rockland, ME 04841

Name of Property Owner (if different) Kimberly Swan

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

Type of Business Hotel

Expiration of Current License NA

Fee(s) Paid \$100.00 Date 15 December 2015

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

Applicant's Signature [Signature] Date 15 December 2015

Approved By: _____ License # _____

[Signature] Code Officer 1/8/16 Date
 Approved Inspected; See Report

[Signature] Fire Inspector 1/8/16 Date
 Approved Inspected; See Report

[Signature] Police Chief 1/8/16 Date

[Signature] City Clerk 1/8/16 Date

APPLICATION FOR CITY LICENSE
CITY OF ROCKLAND, MAINE

270 Pleasant Street
Rockland, Maine 04841

Name of Applicant SUZUKI'S SUSHI, INC. Phone 596-0731

Address of Applicant KEIKO SUZUKI STEINBERGER, PRESIDENT
764Y ST. PLACE

ROCKLAND, ME 04841

Name of Business SUZUKI'S SUSHI Phone 596-0731

Address of Business 419 MAIN ST.
ROCKLAND, ME

Name of Property Owner (if different) PETER SANDEFUR
MAIN ST. VENTURES LLC

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

Type of Business RESTAURANT

Expiration of Current License _____

Fee(s) Paid \$300.00 Date 1/2/16

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 1/2/16

Approved By: _____ License # _____

[Signature] Code Officer 1/8/16 Date
 Approved Inspected; See Report

[Signature] Fire Inspector 1/8/16 Date
 Approved Inspected; See Report

[Signature] Police Chief 1/4/16 Date

[Signature] City Clerk 1/8/16 Date



Bureau of Alcoholic Beverages
 Division of Liquor Licensing & Enforcement
 8 State House Station
 Augusta, ME 04333-0008
 Tel: (207) 624-7220 Fax: (207) 287-3434

BOTTLE CLUB REGISTRATION APPLICATION

\$50.00 – Check Payable: Treasurer State of Maine

PRESENT REGISTRATION EXPIRES January, 2016

BUREAU USE ONLY

Reg. # assigned:
Deposit Date:
Amt. Deposited:
CK/Mo/Cash:

ALL QUESTIONS MUST BE ANSWERED IN FULL

Please Print Clearly

1. APPLICANT (S) -(Sole Proprietor, Corporation, Limited Liability Co. <u>Penobscot School</u> DOB:	2. Business Name (DBA) <u>Penobscot School</u>		
DOB:	<u>28 Gay Street</u>		
DOB:	Location (Street Address) <u>Rockland</u> <u>ME</u> <u>04841</u>		
Address: <u>28 Gay Street</u>	City/Town	State	Zip Code
<u>Rockland</u> <u>ME</u> <u>04841</u>	<u>same</u>		
City/Town	State	Zip Code	
<u>(207) 2594-1084</u>	<u>N/A</u>	<u>N/A</u>	
Telephone Number	Fax Number	Business Telephone Number	Fax Number
<u>01-0432067</u>		<u>N/A</u>	
Federal I.D.#	Sellers Certificate #		

3. Is applicant (s) a corporation? Yes () No () If YES complete Supplementary Corporate Questionnaire.

4. Is applicant (s) a non-profit club? Yes () No () If YES complete Supplementary Club Questionnaire.

5. Does applicant (s) own the premises? Yes () No () If NO give name and address of owner.

Name: _____

Address: _____ Town/City: _____

State _____ Zip Code _____

6. What are the regular days and hours your establishment is operated as a Bottle Club ?

Days: Sun Mon Tue Wed Thurs Fri Sat

Hours: all days, 7am-10PM



Bureau of Alcoholic Beverages
 Division of Liquor Licensing & Enforcement
 8 State House Station
 Augusta, ME 04333-0008
 Tel: (207) 624-7220 Fax: (207) 287-3434

SUPPLEMENTARY QUESTIONNAIRE FOR CLUB APPLICANTS

1. Exact Club Name: Penobscot School

2. Title, name, birth date and telephone number of each principal officer of the club:

Title	Name	Birth Date	Telephone
	<u>Please see attached</u>		

3. Date Club was incorporated: 1/28/86

4. Purpose of Club: () Social () Recreational () Patriotic () Fraternal Educational

5. Date regular meetings are held: * 6/yr on second Wednesday of the month

6. Date of election of Club Officers: January mtg. yearly

7. Date elected officers are installed: same

8. Total Membership: N/A Annual Dues: _____ Payable When: _____

9. Does the Club cater to the public or to groups of non-members on the premises? Yes No

10. Excluding salaries, will any person, other than the Club, receive any of the financial profits from the sales of liquors? Yes No

11. If a manager or steward is employed, complete the following: N/A

Name: _____ Date of Birth: _____

Sign in blue ink

Signature & Title of Club Officer

Date

Print Name & Title of Club Officer

Name	Position	Address	DOB
Current Board Members			
Bombeke, Carmen	Trustee	151 Washington Street, Camden, ME	6/16/1976
Dunning, Stephanie "Penny"	Trustee	5 Alexander Drive, Rockport, ME	1/17/1943
*Fillinow, Leslie	Trustee	151 Bayview Street, Camden, ME	1/25/1959
Healy, Dennis	President & Chair	19 Cross Street, Camden, ME	2/12/1945
Ingraham, Mary Catherine	Treasurer	P.O. Box 433, Rockport, ME	7/16/1947
O'Brien, Patrick	Trustee	503 Main Street, Rockland, ME	11/14/1955
Smith, William	Trustee	81 Ingraham Drive, Owls Head, ME	3/2/1943
Toole, Frank	Trustee	125 Chestnut Street, Camden, ME	10/4/1946

Current Staff

Junge, Peg	Admin. Assistant	21 Center Street, Rockland, ME	NA
**LeMole, Joan	Exec. Director	39 Chestnut Street, Rockland, ME (previous) 354 Broadway, Rockland, ME	4/14/1964

Past Board Members (last 5 years)

Chartrand, Paul		P.O. Box 1319, Rockland, ME	NA
Deford, Thomas "Mac"		P.O. Box 426 Spruce Head, ME	NA
Hoffman, Julie		548 Common Rd, Union, ME	NA
Tesler, Ronald		P.O. Box 1286, Rockland, ME	NA
Steinberger, Joseph		7 Gay Street Place, Rockland, ME	NA
Strout, Dana		30 Dirt Road, Camden, ME	10/8/1949

* Interim President effective 1/1/16 when D. Healy will step down

** Past Board Member and current Executive Director

CITY OF ROCKLAND, MAINE

RESOLVE #49

IN CITY COUNCIL

November 9, 2015

RESOLVE Adopting Vision Statement

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Vision Statement for the City of Rockland establish by the City Council at a goal setting meeting held on October 22, 2015, is here adopted substantially as re-printed below.

Sponsor: City Council
Originator: City Council

Postponed 11/9/15 to 1/11/16

CITY OF ROCKLAND, MAINE VISION STATEMENT

By June 30, 2018, the City of Rockland will be known as a place where public officials, private citizens and the press work together, with optimism, trust and collaboration, to create and promote the region's unique assets and quality of life. Collectively, we have a strong legislative voice and are succeeding in our advocacy at the State level.

In a three year period, we have increased tourism and commercial, residential and public values, as well as associated revenue, by realizing the potential of our natural waterfront resource in many, diverse ways. We have created and enhanced civic amenities and improved their utilization, safety and enjoyment. There is an in-town housing renaissance for all socioeconomic levels, and young families are choosing to live in the City of Rockland due to the availability of middle class housing and the quality of our education. We are also attracting new businesses and younger residents through public/private partnerships that offer a state-of-the-art technology infrastructure. With a focus on renewable energy, we have implemented some components of our sustainable energy and conservation plan.

At the same time, positive changes have taken place with workplace culture among City employees. Through a focus on continuous improvement and creativity, we have improved our efficiency and reduced our need to outsource work, by investing in staff development and fostering an entrepreneurial/ownership spirit among all department managers. Employee satisfaction is at an all-time high.

CITY OF ROCKLAND, MAINE

RESOLVE # 1

IN CITY COUNCIL

January 11, 2016

RESOLVE Commendation – Adam Miceli

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

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

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

Sponsor: City Council

Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE # 2

IN CITY COUNCIL

January 11, 2016

RESOLVE Commendation – Christopher Young

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Deputy Police Chief Christopher Young is hereby commended and congratulated for 20 years of service to the City of Rockland as a member of the Rockland Police Department.

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

Sponsor: City Council

Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE # 3

IN CITY COUNCIL

January 11, 2016

RESOLVE Accepting Donation - Holiday Decorations

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT The City of Rockland gratefully accepts the donation from George Holmes of \$200 to be used toward the cost of holiday decorations for Main Street.

AND, be it further Resolved that a letter of thanks be sent to Mr. Holmes in recognition of his generous donation.

Sponsor: City Council
Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE # 4

IN CITY COUNCIL

January 11, 2016

RESOLVE Accepting Donations - Library

WHEREAS, the Friends of the Rockland Public Library donated \$4,214.53 to the Rockland Public Library for 87 children's titles to be added to the Library's Children's collection, 6 PC's (5 public and 1 staff), PC accessories, and program supplies, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Catherine V. Luvisi, Waltham, MA, donated \$10 to the Library in memory of Harold Dondis, to be receipted into the Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, James Behnke, Marblehead, MA, donated \$100 to the Library in memory of Harold Dondis, to be receipted into the Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Sara J. Burns, President & CEO of Central Maine Power Company, Augusta, Maine, donated the book *Nana in the City*, valued at \$16.99, to be added to the Library's collection; and

WHEREAS, Kate Quinn from North Haven Community School, North Haven, Maine, donated 59 titles (books and DVDs), valued at \$1722, to be added to the Library's collection;

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

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

Sponsor: City Council
Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE # 5

IN CITY COUNCIL

January 11, 2016

RESOLVE Appointment to Mid-Coast Regional Planning Commission

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT _____ and _____ are hereby appointed as Rockland representatives to the Mid-Coast Regional Planning Commission for 2016.

Sponsor: Mayor MacLellan-Ruf
Originator: Mayor MacLellan-Ruf



MID - COAST

REGIONAL PLANNING COMMISSION

166 MAIN STREET, SUITE 201, ROCKLAND, ME 04841

(207) 594-2299 ~ WWW.MIDCOASTPLANNING.ORG

November 10, 2015

Mr. James Chaousis
City Manager
City of Rockland
270 Pleasant St.
Rockland, ME 04841

Dear Mr. Chaousis,

Enclosed are the MCRPC 2016 Membership Form and a brochure of the services we offer member communities in Knox and Waldo Counties. As you know, we are a municipally based organization, serving the needs of Planning Boards, Boards of Appeal, Selectmen, Councilors, Code Enforcement Officers, and committees drafting comprehensive plans and ordinances.

MCRPC membership entitles your community to receive technical assistance on a range of land use issues including municipal ordinance explanation, subdivision and site plan review advice, and education on drafting and using comprehensive plans and land use ordinances. Member communities determine MCRPC priorities and oversee our operations. Accordingly, we ask for two representatives from your community and for nominations of officers to serve on our executive board.

Municipal dues are essential for us to continue to provide locally needed land use planning technical assistance. Since communities operate on different fiscal calendars, and dues requests may require warrant articles, we have set a dues payment deadline of September 1, 2016 for the 2016 Membership Year, which runs from January through December of 2016.

Please complete the enclosed Membership Form and return it to our office.

Contact us with any questions or for more information.

Thank you,

Eric Galant,
Executive Director

cc: Audra Bell, Assistant City Manager



MID-COAST

REGIONAL PLANNING COMMISSION
166 MAIN STREET, SUITE 201, ROCKLAND, ME 04841
(207) 594-2299 ~ WWW.MIDCOASTPLANNING.ORG

MUNICIPAL MEMBERSHIP FORM 2016

The Municipality of Rockland appoints the following two people to be representatives to the Mid-Coast Regional Planning Commission:

1. Name: _____ Mailing Address: _____
an elected official of municipal government or designee, **AND**
2. Name: _____ Mailing Address: _____
a resident of the Municipality.

The membership dues for Rockland are \$1,200 for the 2016 membership year.

Check which of the following applies:

- Dues are enclosed with this membership form.
- The Municipality commits to pay the dues amount shown on or before September 1, 2016.

CERTIFICATION:

I, the undersigned, authorize the submittal of this membership form on behalf of the Municipality.

Signature of Municipal Official

Date

Print Name and Title

Please return this form to: MCRPC, 166 Main Street, Suite 201, Rockland, ME 04841

Thank you

CITY OF ROCKLAND, MAINE

RESOLVE # 6

IN CITY COUNCIL

January 11, 2016

RESOLVE Re-Appointments to Board, Commissions and/or 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, Commission and/or Committees for the listed terms are hereby confirmed:

Leslie Spiers, 13 South Street, is hereby re-appointed to the Parking Advisory Committee, the Board of Assessment Review, and the Zoning Board of Appeals for terms expiring in 2018; and

Alfred Widdecombe, 6 Lakeview Terrace, is hereby re-appointed to the Recreation Advisory Committee for a term that will expire in 2018.

Sponsor: Mayor MacLellan-Ruf

Originator: Mayor MacLellan-Ruf

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

October 14, 2015

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

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

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

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

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

1. Lodging House License.

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

B. Definitions. For the purposes of this subsection¹

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

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

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

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

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

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

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

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

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

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

C. Definitions. For the purposes of this Subsection¹:

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

(2) "Owner- or Lessee-Occupied" describes a dwelling unit that is such owner's or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Review Level I:

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

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

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

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

Review Level II:

Applicant shall demonstrate compliance with applicable² building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief

² See Chapter 4 – Buildings, Inspections & Enforcement.

or their designees.

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

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

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

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

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

Table 11-210(2)

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

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

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

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

the use of the parcel;

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

NOTICE

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

- (13) The Permittee must assure that each advertisement of the TRA STR includes Permittee's City of Rockland ~~Transient Accommodations~~ Short Term Rentals Permit number; and.

- (14) Renters of ~~transient residential accommodations~~ short term rentals may not sublease any portion of the ~~transient residential accommodation~~ short term rental to another person, family, or entity.

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

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

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

3. Penalties.

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

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

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

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

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

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

C. Reservations.

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

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

Sponsor: City Council
Originator: Code Enforcement Officer

Postponed 10/14/15 to 11/09/15
Postponed 12/14/15 to 01/11/16

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

MEMORANDUM

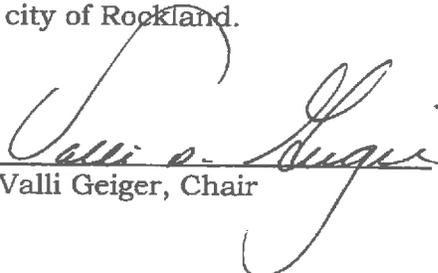
To: Mayor MacLellan-Ruf & City Councilors
Cc: City Manager, Code Enforcement Officer, City Attorney
From: Valli Geiger, Chair, Comprehensive Planning Commission
Date: 12/09/15
Re: Ordinance Amendment 2015-41

Mayor MacLellan-Ruf and Members of the City Council:

The Comprehensive Planning Commission met on both November 12, 2015, and November 19, 2015, and pursuant to Ch. 19, Art. IV, Sec. 19-404 discussed and formulated recommendations regarding the proposed establishment of short-term rentals as a special use class in all zones. The following is a list of the Commission's recommendations on this subject:

1. That only the property owners – not renters - be granted permits for short-term rentals;
2. That occupancy levels for short-term rentals be based upon life safety code limitations per bedroom;
3. That short-term rentals of legitimate, detached guest houses be allowed;
4. That the Council study limiting the total number of Tier 2 and Tier 3 short-term rental units, on the basis of geographical distribution, to achieve a fair and equitable permitting process for the purpose of preserving year round livable neighborhoods;

Thank you for the opportunity to serve the city of Rockland.


Valli Geiger, Chair

VERSION A

(As discussed 01/04/16)

Short Term Rentals Summary of Color Coded Amendments For Council Consideration

Amendment 1 (Yellow Highlights)

Should someone who is renting an apartment, a unit in duplex, a unit in a multifamily, or a house on a long term basis be permitted to rent a room or the entire residential unit on a short term basis? Adopting this amend would allow short term rentals to only be licensed to the property owner. (Note: This amendment makes several small changes through proposed ordinance amendment).

Amendment 2 (Blue Highlights)

For the rental of a single family structure (i.e., renting the whole home on a short term basis), should the applicant either be a Rockland resident (i.e., the applicant is renting their primary residence or has a primary residence elsewhere in town) or be required to have a local property manager? Adopting this amendment would require the license applicant to either live in Rockland or have a local property manager who can respond around the clock.

Amendment 3 (Grey Highlights)

Should the rental of accessory apartments on a short term rental basis be limited to accessory apartments where the property owner lives in the primary structure on the same lot?

Amendment 4 (Green Highlights)

For the rental of a unit in a duplex or two unit condominium a short term basis, should the applicant either be a Rockland resident (i.e., the applicant is renting the other unit in their primary residence or has a primary residence elsewhere in town) or be required to have a local property manager? Adopting this amendment would require the license applicant to either live in Rockland or have a local property manager who can respond around the clock.

Amendment 5 (Purple Highlight)

This amendment requires that conditions applicable at the time of application as per any of the above amendments (i.e., live in Rockland or have local property manager or not be rented on a short term basis by a party other than the property owner, etc.) be maintained throughout the period of the license (and hence this amendment is not needed if none of the preceding four changes are made).

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

October 14, 2015

**ORDINANCE AMENDMENT: Licensing of Lodging Houses and
 Permitting of Short-Term Rentals**

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

WHEREAS, the Rockland Code of Ordinances does not currently provide for the licensure of innkeepers of short-term rentals,

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

Sec. 11-210 Lodging Houses And Short-Term Rentals

1. Lodging House License.

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

B. Definitions. For the purposes of this subsection¹

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

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

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

There shall be a non-refundable application and / or annual license fee for the Lodging House License which shall be set by Order of the City Council.

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

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

2. Short-Term Rentals Permit.

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

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

C. Definitions. For the purposes of this Subsection¹:

- (1) "Minimum Stay Period" means the minimum number of nights for which a Short-Term Rental may be rented to guests. Guests may stay for less than the minimum stay period provided that the STR remains vacant until the end of the minimum stay period. (For example, if the minimum stay period is four (4) nights, this does not preclude rental to guests for two (2) nights, provided the unit remains unrented for the two (2) subsequent nights before being occupied again as a short-term rental.)
- (2) "Owner-~~or Lessee~~-Occupied" describes a dwelling unit that is such owner's ~~or lessee's~~ primary residence and is occupied, including over-night, by such owner ~~or lessee~~ when any part of the structure is rented as a short-term rental.
- (3) "Short-Term Rental" ("STR") means the use of all or part of a legally-existing dwelling unit for rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month, as follows:

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

(a) Short-Term Rental – 1 (“STR-1”) means either:

- (i) an owner-~~or lessee~~-occupied single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or
- (ii) a dwelling unit in a two-family structure in which one unit is occupied by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.

(b) Short-Term Rental – 2 (“STR-2”) means either:

- (i) a single-family structure that is not occupied by its owner-~~or lessee~~ that is rented or offered for rent to one person or one family for periods of less than one month, or
- (ii) one dwelling unit in a non-owner occupied two-family structure rented or offered for rent to one person or one family for periods of less than one month.

(c) Short-Term Rental – 3 (“STR-3”) means one dwelling unit in a multi-family or mixed-use structure that is rented or offered for rent to one person or one family for periods of less than one month.

D. Eligibility. The City Clerk may accept applications for Short-Term Rentals from only those persons who are eligible to apply, as follows:

(1) Short-Term Rental Permits may not be granted to a renter, lessee, or other party who is not the owner of the proposed short-term rental or the owner’s property manager, and no renter or lessee of a dwelling unit may sub-let the rented or leased premises as a short-term rental;

(2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the application either that (a) the structure is the applicant’s primary residence, (b) the applicant’s primary residence is at another residence within the City of Rockland, or (c) the applicant has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;

(3) Where the proposed short-term rental is an accessory apartment, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-term rental is accessory;

4) Where the proposed short-term rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either (a) maintains his/her primary residence elsewhere in Rockland or has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

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

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

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

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

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

Applicant shall provide two on-site parking spaces for a

single-family structure and three on-site spaces for a two-family structure.

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

Review Level II: Applicant shall demonstrate compliance with applicable² building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

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

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

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

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

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

Table 11-210(2)

<u>Type of Accommodation</u>	<u>Type of Structure</u>	<u>Minimum Stay Period</u>	<u>Permitting Authority in</u>	<u>Permitting Authority in</u>	<u>Review Level</u>
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² See Chapter 4 – Buildings, Inspections & Enforcement.

			<u>Residential AA, A, and B Zones</u>	<u>Other Zones</u>	
<u>STR-1</u>	<u>Single-Family (rental of one room in owner-occupied structure or one unit in an owner-occupied two-family structure)</u>	<u>1 night up to less than 1 month</u>	<u>Code Office</u>	<u>Code Office</u>	<u>I</u>
<u>STR-2</u>	<u>Single-Family (whole house)</u>	<u>3 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Code Office</u>	<u>I</u>
	<u>Two-Family (one unit rented monthly and one unit rented less than one month)</u>	<u>3 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Code Office</u>	<u>I</u>
<u>STR-3</u>	<u>Multi-Family or Mixed Use</u>	<u>3 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Planning Board</u>	<u>II</u>

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

- (1) The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a STR shall be in compliance with that of a “one-family dwelling” as described in Chapter 24 § 24.1.1.1 of NFPA 101 Life Safety Code/2012;
- (2) Short-term rentals shall be to a single person or family;
- (3) The maximum occupancy shall be limited to two people per existing bedroom plus no more than two additional children under the age of twelve;
- (4) Provided that there are approved fire separations between dwelling units in an existing duplex or condominium structure, each unit under separate, unrelated or affiliated ownership shall be considered a single-family structure for the purposes of Short-Term Rentals Permit provisions. New condominium units established after October 1, 2015, may not be used for Short-Term Rentals;
- (5) Multi-family dwellings must be a permitted use in the zone in which it is located in order to rent any unit as a STR-3;
- (6) An approved functional sprinkler system is required in any multi-family dwelling in which a single unit is used as a STR-3;
- (7) A multi-family structure located in zones other than Residential “A”, “AA” or “B” zones, and where the zone in which the multi-family dwelling is located permits Lodging, Rooming or Boarding Houses and/or Hotels, shall be permitted to rent any or all dwelling units for any period less than a month. Such multi-family dwelling must

have approved functional sprinkler and fire alarm systems. The total number of guests occupying such STR-3 shall not exceed sixteen (16);

- (8) No detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home may be permitted or rented as a short-term rental;
- (9) The use of a dwelling unit as a STR does not violate any applicable ~~lease, rental agreement~~, condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;
- (10) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a STR is not permitted, either on- or off-site;
- (11) The Permittee must maintain accurate, up-to-date records of all rental transactions in the STR, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (12) The Permittee must post in plain sight to visitors near the entrance a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the STR, and, when the STR is not subject inspection by the City's Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

NOTICE

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

- (13) The Permittee must assure that each advertisement of the STR includes Permittee's City of Rockland Short-Term Rentals Permit number; ~~and~~.
- (14) Renters of short-term rentals may not sublease any portion of the short-term rental to

another person, family, or entity; and

(15) The Permittee shall maintain permit eligibility in conformance with Sec. 11-21-(2)(D) continuously during the permit period.

H. Complaints. Complaints regarding STRs filed with the Police Department shall be brought to the attention of the Code Enforcement Officer as soon as practicable. Any person may also file a complaint with the Code Enforcement Officer. The Code Enforcement Officer shall establish and maintain a log of all complaints for each STR received and substantiated by the City. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Permittee.

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

3. Penalties.

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

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

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

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

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

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

C. Reservations.

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

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

Sponsor: City Council
Originator: Code Enforcement Officer

VERSION B

(FOLLOWING 01/04/16 MEETING DISCUSSION)

Short Term Rentals: Summary of Color Coded Amendments

Amendment 1 (Yellow Highlights)

Should someone who is renting an apartment, a unit in duplex, a unit in a multifamily, or a house on a long term basis be permitted to rent a room or the entire residential unit on a sort term basis? Adopting this amend would allow short term rentals to only be licensed to the property owner. (Note: This amendment makes several small changes through proposed ordinance amendment).

Amendment 2 (Blue Highlights)

For the rental of a single family structure (i.e., renting the whole home on a short term basis), should the applicant either be a Rockland resident (i.e., the applicant is renting their primary residence or has a primary residence elsewhere in town) or be required to have a local property manager? Adopting this amendment would require the license applicant to either live in Rockland or have a local property manager who can respond around the clock.

Amendment 3 (Grey Highlights)

Should the rental of accessory apartments on a short term rental basis be limited to accessory apartments where the property owner lives in the primary structure on the same lot?

Amendment 4 (Green Highlights)

For the rental of a unit in a duplex or two unit condominium a short term basis, should the applicant either be a Rockland resident (i.e., the applicant is renting the other unit in their primary residence or has a primary residence elsewhere in town) or be required to have a local property manager? Adopting this amendment would require the license applicant to either live in Rockland or have a local property manager who can respond around the clock.

Amendment 5 (Purple Highlight)

This amendment requires that conditions applicable at the time of application as per any of the above amendments (i.e., live in Rockland or have local property manager or not be rented on a short term basis by a party other than the property owner, etc.) be maintained throughout the period of the license (and hence this amendment is not needed if none of the preceding four changes are made).

Amendment 6 (See Note On Page 7)

Would add clarification that initial approval is by PB (when required) but subsequent renewals would be issued by Code office (so long as license has not been suspended/revoked)

Amendment 7 (See Note On Page 8)

Small clarification that subparagraph G(3) applies to STR-2 (i.e., whole home rentals)

Amendment 8 (See Note On Last Page)

Revise implementation Schedule.

Amendment 9 (Not In Text)

LP Possible Text: For multifamily units that existed as of the effective date of this ordinance (and house less than ???), renting one unit on a short term basis shall not be considered a change of use for the purposes of NFPA 101.

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

October 14, 2015

**ORDINANCE AMENDMENT: Licensing of Lodging Houses and
 Permitting of Short-Term Rentals**

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

WHEREAS, the Rockland Code of Ordinances does not currently provide for the licensure of innkeepers of short-term rentals,

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

Sec. 11-210 Lodging Houses And Short-Term Rentals

1. Lodging House License.

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

B. Definitions. For the purposes of this subsection¹

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

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

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

There shall be a non-refundable application and / or annual license fee for the Lodging House License which shall be set by Order of the City Council.

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

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

2. Short-Term Rentals Permit.

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

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

C. Definitions. For the purposes of this Subsection¹:

- (1) “Minimum Stay Period” means the minimum number of nights for which a Short-Term Rental may be rented to guests. Guests may stay for less than the minimum stay period provided that the STR remains vacant until the end of the minimum stay period. (For example, if the minimum stay period is four (4) nights, this does not preclude rental to guests for two (2) nights, provided the unit remains unrented for the two (2) subsequent nights before being occupied again as a short-term rental.)
- (2) “Owner- ~~or Lessee~~ Occupied” describes a dwelling unit that is such owner’s ~~or lessee’s~~ primary residence and is occupied, including over-night, by such owner ~~or lessee~~ when any part of the structure is rented as a short-term rental.
- (3) “Short-Term Rental” (“STR”) means the use of all or part of a legally-existing dwelling unit for rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month, as follows:

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

(a) Short-Term Rental – 1 (“STR-1”) means either:

- (i) an owner- or lessee-occupied single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or
- (ii) a dwelling unit in a two-family structure in which one unit is occupied by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.

(b) Short-Term Rental – 2 (“STR-2”) means either:

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

(c) Short-Term Rental – 3 (“STR-3”) means one dwelling unit in a multi-family or mixed-use structure that is rented or offered for rent to one person or one family for periods of less than one month.

D. Eligibility. The City Clerk may accept applications for Short-Term Rentals from only those persons who are eligible to apply, as follows:

(1) Short-Term Rental Permits may not be granted to a renter, lessee, or other party who is not the owner of the proposed short-term rental or the owner’s property manager, and no renter or lessee of a dwelling unit may sub-let the rented or leased premises as a short-term rental;

(2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the application either that (a) the structure is the applicant’s primary residence, (b) the applicant’s primary residence is at another residence within the City of Rockland, or (c) the applicant has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;

(3) Where the proposed short-term rental is an approved accessory apartment, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-term rental is accessory;

4) Where the proposed short-term rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either (a) maintains his/her primary residence elsewhere in Rockland or has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

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

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

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

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

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

Applicant shall provide two on-site parking spaces for a

single-family structure and three on-site spaces for a two-family structure.

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

Review Level II:

Applicant shall demonstrate compliance with applicable² building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

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

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

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

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

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

(LP Note: Revise/add as per JRoot suggestion a clarification that initial approval is by PB, but renewals, in the absence of a suspension, is by Code Office. Probably should clarify whether new property owner would go back to PB or be a Code issued renewal)

² See Chapter 4 – Buildings, Inspections & Enforcement.

Table 11-210(2)

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

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

- (1) The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a STR shall be in compliance with that of a “one-family dwelling” as described in Chapter 24 § 24.1.1.1 of NFPA 101 Life Safety Code/2012;
- (2) Short-term rentals shall be to a single person or family;
- (3) The maximum occupancy (LP Add: for STR-2) shall be limited to two people per existing bedroom plus no more than two additional children under the age of twelve;
- (4) Provided that there are approved fire separations between dwelling units in an existing duplex or condominium structure, each unit under separate, unrelated or affiliated ownership shall be considered a single-family structure for the purposes of Short-Term Rentals Permit provisions. New condominium units established after October 1, 2015, may not be used for Short-Term Rentals;
- (5) Multi-family dwellings must be a permitted use in the zone in which it is located in order to rent any unit as a STR-3;
- (6) An approved functional sprinkler system is required in any multi-family dwelling in which a single unit is used as a STR-3;

- (7) A multi-family structure located in zones other than Residential “A”, “AA” or “B” zones, and where the zone in which the multi-family dwelling is located permits Lodging, Rooming or Boarding Houses and/or Hotels, shall be permitted to rent any or all dwelling units for any period less than a month. Such multi-family dwelling must have approved functional sprinkler and fire alarm systems. The total number of guests occupying such STR-3 shall not exceed sixteen (16);
- (8) No detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home may be permitted or rented as a short-term rental;
- (9) The use of a dwelling unit as a STR does not violate any applicable **lease, rental agreement**, condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;
- (10) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a STR is not permitted, either on- or off-site;
- (11) The Permittee must maintain accurate, up-to-date records of all rental transactions in the STR, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (12) The Permittee must post in plain sight to visitors near the entrance a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the STR, and, when the STR is not subject inspection by the City’s Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

NOTICE

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

(13) The Permittee must assure that each advertisement of the STR includes Permittee's City of Rockland Short-Term Rentals Permit number; ~~and~~.

(14) Renters of short-term rentals may not sublease any portion of the short-term rental to another person, family, or entity; ~~and~~

(15) The Permittee shall maintain permit eligibility in conformance with Sec. 11-21-(2)(D) continuously during the permit period.

H. Complaints. Complaints regarding STRs filed with the Police Department shall be brought to the attention of the Code Enforcement Officer as soon as practicable. Any person may also file a complaint with the Code Enforcement Officer. The Code Enforcement Officer shall establish and maintain a log of all complaints for each STR received and substantiated by the City. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Permittee.

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

3. Penalties.

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

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

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

4. Transitional Provisions. Notwithstanding anything to the contrary herein, the provisions in this Ordinance Amendment relating to the permitting of short-term rentals, and

penalties for violations of such provisions, shall be implemented as follows:

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

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

C. Reservations.

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

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

LP Note: Need to revise implementation schedule to a calendar that is practical
(Three points below are simply suggestions/Staff may have better idea)

(1) Licenses shall become available as of the effective date of this ordinance; a license as per the conditions of this ordinance, shall be required as of October 15, 2016;

(2) The STR provisions, excluding the license requirement, shall be effective 120 days after the effective date of this ordinance;

(3) Keeping initial round of approvals with Code as detailed here?

Sponsor: City Council

Originator: Code Enforcement Officer

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

October 14, 2015

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

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

Sec. 19-302 Words And Phrases Defined

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

* * *

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

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

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

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

dwelling, and residential condominium.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

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

* * *

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

Sec. 19-309 Special Use Classes Exceptions and Exemptions

* * *

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

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

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

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

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

Sponsor: City Council
Originator: Code Enforcement Officer

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

Postponed 10/14/15 to 11/09/15
Postponed 12/14/15 to 01/11/16

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

December 14, 2015

ORDINANCE AMENDMENT Authorizing a Municipal Quitclaim Deed – 258 Rankin Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized, on behalf of the City, to issue a municipal quitclaim deed to Michael Faller for property located at 258 Rankin Street, as shown on Rockland Tax Map #68-B-5-2, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Mr. Faller fails to sign the Reconveyance Agreement and comply with its requirements by March 10, 2016, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council
Originator: City Manager

First Reading 12/14/15
First Publication 12/24/15
Public Hearing 1/11/16
Final Passage _____
Second Publication _____
Effective Date _____

RECONVEYANCE AGREEMENT
258 Rankin Street (Tax Map 68-B-5-2)

The City of Rockland (the "City") and **Michael Faller** (the "Grantee") hereby agree to the City's reconveyance of real property and fixtures located at **258 Rankin Street** in the City of Rockland, County of Knox, and State of Maine, Rockland Tax Map 68, Block B, Lot 5-2 (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 April 16, 2014, the City filed a Certificate of Sewer Lien on the Knox County Registry of Deeds in Book 4790, Page 10, 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 October 16, 2015, 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 January 11, 2016, the City Council authorized the City Manager to enter into this Reconveyance Agreement and, upon the effective date of Ordinance Amendment #2015-47, to issue a quitclaim deed to the Grantee 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 31, 2016** (the "Reconveyance Deadline") pay or cause to be paid to the City of Rockland all delinquent 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 **\$768.08 (as of December 4, 2015)**, 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 December 4, 2015, through the Reconveyance Deadline;

2. 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 approximate amount of \$100.00 (actual amount may vary), on or before the Reconveyance Deadline;

3. 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;

4. 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 Reconveyance Deadline unless otherwise stated below:

A.

B.

[Inspection not yet performed.]

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;

5. 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);

6. Extension. The City Manager may extend the Reconveyance Deadline, for cause, but for no longer than sixty (60) days. In the event the Reconveyance Deadline is extended to or after April 1, 2016, then Grantee, in addition to other amounts identified herein, shall make payment in lieu of tax for Fiscal Year ending June 30, 2017, in full, on or before such extended Reconveyance Deadline;

7. Representations; Indemnification. The undersigned represents that he is the former owner of the Property; that, prior to the aforementioned statutory lien foreclosure, he neither encumbered, conveyed, released, alienated, or otherwise granted his interest in the Property to any other party; and that he is authorized and has the capacity to perform the undertakings set forth in this Reconveyance Agreement. 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 Property by the Grantee, their guest(s), invitee(s), or permittee(s), or by any trespasser(s), during the period of the City's ownership of the Property;

8. 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.

IN WITNESS WHEREOF, the parties have executed this Reconveyance Agreement as of the day and year first above written.

WITNESS:

CITY OF ROCKLAND, MAINE:

by: Stuart H. Sylvester, City Clerk

By: James D. Chaousis II
Its: City Manager

As to Form:

Kevin J. Beal, City Attorney

WITNESS:

MICHAEL FALLER:

Print: _____

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #48

IN CITY COUNCIL

December 14, 2015

**ORDINANCE AMENDMENT: Establishing Moratorium On
Site Plan Applications For New
Grid-Scale Power Generation Facilities**

WHEREAS, properties within the City of Rockland have become a focus for a proposal to construct a gas-fired, combined-cycle electric power generation facility; and

WHEREAS, if not properly sited and designed and regulated, grid-scale power generation facilities can be a source of considerable air, water and noise pollution that can adversely impact the neighborhoods and communities where these facilities are located, thereby endangering public health, safety, and welfare; and

WHEREAS, public and professional comments have raised questions as to whether the City's current noise standards are an appropriate tool for addressing the specific types of sounds originating from grid scale combined cycle power generation facilities; and

WHEREAS, the City has no specific ordinance provisions governing acceptable sources or disposal options for the potentially large volumes of water needed for cooling grid scale combined cycled power generation facilities; and

WHEREAS, the City has no specific regulations governing potential impacts from the air emissions associated with large volume open cooling water towers that are utilized at many grid scale power generation facilities; and

WHEREAS, community members have questioned whether the City's commercial and industrial ordinance standards, which were developed for large volume retail and specialty manufacturing, provide appropriate regulation for a grid scale power generation facility when this type of generation facility is located on parcels abutting residential zones or historic districts; and

WHEREAS, appropriate zoning limitations, site plan and performance standards, and other municipal regulations can ameliorate the impacts of grid-scale power generation facilities by requiring their location in industrial areas; by limiting noise, vibration, and emissions; and by requiring appropriate buffering and screening from public ways, residential areas, and other incompatible uses; and

WHEREAS; the development of natural gas fired combined cycle power generation facility would require the construction of a natural gas distribution line into the City to provide fuel; and

WHEREAS; the City's street opening ordinances do not include provisions that provide for adequate inspection of natural gas piping as it is being installed to insure leaks are avoided; and

WHEREAS, the City Council hereby finds that, to avoid the serious public harms that reasonably may ensue from the unregulated siting and development of grid-scale power generation facilities in the City, a moratorium is needed while the City studies, drafts, and adopts one or more zoning or other ordinance amendments to establish reasonable municipal regulations for grid-scale power generation facilities to avoid and/or ameliorate such public harms,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT, pursuant to Title 30-A, Maine Revised Statutes, Section 4356, a moratorium is hereby established barring the acceptance of new site plan applications, and the processing of and action upon site plan applications filed with the City on or after December 14, 2015, for the construction of electrical power generation facilities having a capacity in excess of 10 megawatts in the City of Rockland for 180 days. The provisions of this moratorium do not apply to businesses constructing heating or power generation systems to meet on-site heating and/or power needs; and

THAT, within 14 days of the Council's adoption of this ordinance in second reading the City's Energy Committee is directed to convey to the Planning Board a summary of any issues that the Committee recommends be considered by the Planning Board based on the forums held by the Committee and the Energy Committee is also directed to provide advice or assistance to the Planning Board as may be requested by the Board's Chairman; and

THAT, within 30 days of the Council's adoption of this ordinance in second reading the City Manager is directed to provide options to Planning Board for technical experts to advise the Board as the Board may choose; and

THAT, no later than March 4, 2016, the City Manager is directed to bring before Council for its consideration a draft of a street opening ordinance that addresses the technical questions, inspection requirements, and responsibility for costs related to the installation of natural gas distribution lines and any other infrastructure changes that should be made in tandem with this work; and

THAT, the Planning Board is directed, no later than March 4, 2016, to draft for City Council consideration, an ordinance or ordinances regulating the siting and development of grid-scale power generation facilities in the City of Rockland.

First Reading 12/14/15
First Publication 12/24/15
Public Hearing 1/11/16
Final Passage _____
Second Publication _____
Effective Date _____

Sponsor: Councilor Jillson
Originator: Councilor Jillson

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

December 14, 2015

ORDINANCE AMENDMENT: General Assistance – Maximum Levels of Assistance

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

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

Overall Maximum Levels of Assistance.

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

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

Maximum Levels of Assistance for Specific Basic Necessities.

A) Food.

The maximum amounts allowed for food are:

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

*Add \$150 a month for each additional person

B) Housing

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

C) Utilities.

Electricity Maximums for Households that Use Electrically Heated Hot Water.

Number in Household	Weekly	Monthly
1	\$19.10 \$20.08	\$82.00 \$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

*Add \$10.00 for each additional family member.

Sponsor: City Council
 Originator: General Assistance Administrator

Postponed 12/14/15 to 1/11/16

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT # 1

IN CITY COUNCIL

January 11, 2016

ORDINANCE AMENDMENT: Amending The Personnel Code

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, ARTICLE XII, Personnel, SECTIONS 2-1202, Purpose, and 2-1203, Duties of the Personnel Director or Designee, BE AMENDED AS FOLLOWS:

Sec. 2-1202 Purpose

The purpose of the Department of Personnel is to make job appointments for classified service with the City. Classified service positions shall be all those employee positions of the City currently existing or hereafter created by resolve of the City Council, except for the following which are to be considered unclassified positions:

1. Members of the City Council
2. Members of any Board or Commission appointed by the City Council
3. The City Manager, City Attorney and City Clerk
4. Temporary and emergency employees, including employees hired under Manpower programs
5. Health Officer.

Sec. 2-1203 Duties of the Personnel Director or Designee

The powers and duties of the Director of Personnel, or designee, are as follows:

1. Establish and administer comprehensive classification and compensation plans, enacted by ordinance by the City Council.
2. Create job descriptions with appropriate education, experience and/or other requirements.
3. Set standards for applicants for classified employment positions which may include, but not limited to, requirements for education, experience, oral and written exams, medical or physical tests or licenses.
4. Determine when a classified employee vacancy will be filled and arrange for

appropriate advertising for the position. Appropriate advertising will include, but not be limited to, public notice in a newspaper circulated widely in Rockland and will provide enough information for applicants to provide sufficient application establishing their qualifications for the position.

5. Review application for classified job openings and refer qualified job applicants to the PB for review and recommendation. A qualified job applicant is one who has the basic skills required to perform the duties of the position advertised, which are set forth in the standards in (3) above. The Personnel Director, or designee, may assist the PB by evaluating applications for the top candidates for the PB to review, however, a copy of all applications will be sent to the PB for their potential consideration.
6. Serve as the selecting official for all classified positions. This responsibility includes determining the candidate meets all requirements for the job, such as licenses, etc., and conducting background and reference checks as deemed appropriate. The Personnel Director, or designee, may conduct additional interviews, consult with department heads, or take other actions appropriate to assist in the selection decision. Any candidate certified to the Personnel Director, or designee, by the PB may be selected for the open position, but only candidates certified by the PB may be selected. If PB certified candidates are not deemed acceptable to the Personnel Director, or designee, the position may remain unfilled or may be announced again. Classified positions that serve as assistants or deputies to positions directly appointed or confirmed by the City Council shall also be confirmed by the City Council.
7. Investigate complaints and make appropriate recommendations concerning any actions related to the administration of personnel rules and procedures.
8. Maintain all employee records including, but not limited to, evaluations, overtime, sick and annual leave.
9. Develop an employee training program to be administered by department heads.
10. Develop and administer an employee Health and Safety program.
11. Take such action and perform such functions as may be required by order of the City Council to conduct and maintain an effective and efficient personnel system.

Sponsor: Councilor Jillson
Originator: Councilor Jillson

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT # 2
IN CITY COUNCIL

January 11, 2016

ORDINANCE AMENDMENT Authorizing Quit Claim Deed – 224 Old County Road (aka “Engine Quarry”)

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a municipal quit claim deed to _____ for a City-owned parcel of land located at 224 Old County Road, Rockland, Maine (Tax Map #80-A-3) and known as “Engine Quarry”, for the bid price of \$ _____, in substantial conformance with terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: Councilor Pritchett
Originator: City Manager

CURRENT OWNER ROCKLAND, CITY OF 270 PLEASANT STREET ROCKLAND, ME 04841-5305 Additional Owners:		UTILITIES 1 Paved 2 Suburban		LOCATION EXM LAND	
TOPO. 3 Low 6 Waterfront		STRT. ROAD		CURRENT ASSESSMENT Code 9030 Appraised Value 21,600 Assessed Value 21,600	
SUPPLEMENTAL DATA Other ID: 080-A-000003000 MAP SHEET ARC MAP ID 80A3 NOTES 07 TIF DIST GIS ID: 80A3		ASSOC PID#		VISION	
RECORD OF OWNERSHIP ROCKLAND, CITY OF ROCKLAND, CITY OF MAINE DRILLING & BLASTING, INC.		BK-VOL/PAGE 3182/ 93 0000/0000 827/ 078		SALE DATE 03/25/2004 10/23/1985 05/20/1981	
		v/i V V V		SALE PRICE V.C.	

Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2008	9030	21,900	2007	9030	21,900	2006	9030	21,900
Total:		21,900	Total:		21,900	Total:		21,900

OTHER ASSESSMENTS
 Amount Number
 Comm. Int.

ASSESSING NEIGHBORHOOD
 STREET INDEX NAME TRACING BATCH

NOTES
 LAND SPLIT TO 80A4 IN 2004

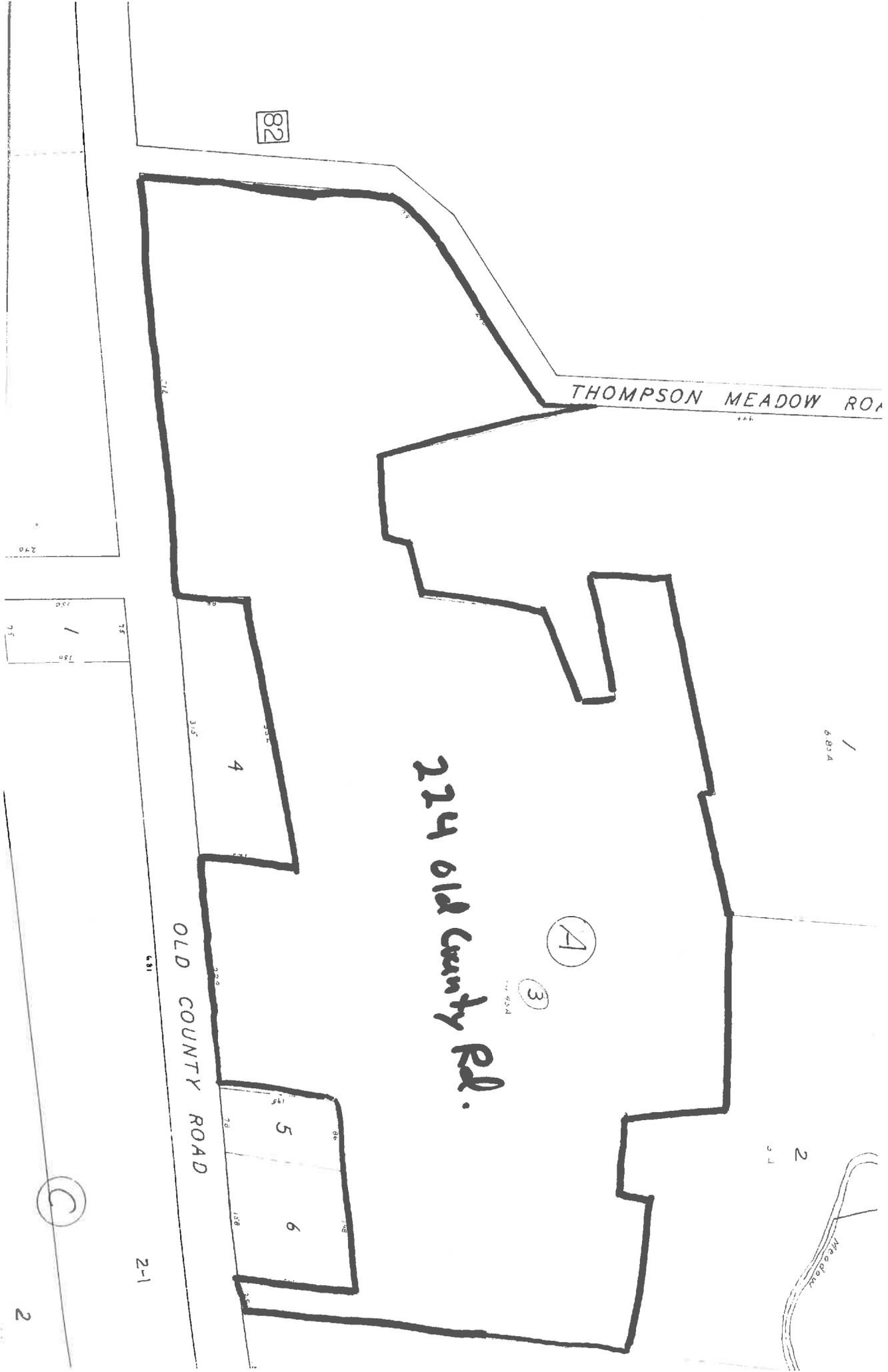
APPRAISED VALUE SUMMARY
 Appraised Bldg. Value (Card) 0
 Appraised XF (B) Value (Bldg) 0
 Appraised OB (L) Value (Bldg) 0
 Appraised Land Value (Bldg) 21,600
 Special Land Value 0
 Total Appraised Parcel Value 21,600
 Valuation Method:
 Exemptions
 Adjustment:

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
					2/26/2005			

LAND LINE VALUATION SECTION																		
B Use Code	Use Description	Zone	D	Frontage	Depth	Units	Unit Price	I. Factor	S.A. Disc	Acre C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	Adj. Unit Price	Land Value		
1	903V City of Rockland 00					43,560 SF	1.12	1.00	5	1.0000	0.10	475	2.00		0.22	9,600		
1	903V City of Rockland 00					13.04 AC	5,000.00	1.00	0	0.9200	0.10	475	2.00		920.00	12,000		
Total Card Land Units:															14.04 AC	Parcel Total Land Area: 14.04 AC	Total Land Value:	21,600

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd.	Ch.	Description
Model	00		Vacant
		MIXED USE	
Code	Description	Percentage	
903V	City of Rockland 00	100	
COST/MARKET VALUATION			
Adj. Base Rate: 0.00			
Section. RCN: 0			
Net Other Adj: 0.00			
Replace Cost 0			
AYB 0			
EYB 0			
Dep Code			
Remodel Rating			
Year Remodeled			
Dep %			
Functional Obslnc			
External Obslnc			
Cost Trend Factor 1			
Condition			
% Complete			
Overall % Cond			
Apprais Val			
Dep % Ovr 0			
Dep Ovr Comment			
Misc Imp Ovr 0			
Misc Imp Ovr Comment			
Cost to Cure Ovr 0			
Cost to Cure Ovr Comment			
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)			
Code	Description	Sub	Sub Description
		Unit Price	Yr
		Gde	Dp Rt
		Cnd	%Cnd
		Apr	Apr Value
BUILDING SUB-AREA SUMMARY SECTION			
Code	Description	Living Area	Gross Area
		Eff. Area	Unit Cost
			Undeprac. Value
		0	0
Ttl. Gross Liv/Lease Area:		0	0

No Photo On Record



82

THOMPSON MEADOW ROAD

224 Old County Rd.

4

OLD COUNTY ROAD

(A)

(3)

5

6

(C)

2-1

2

6804

2

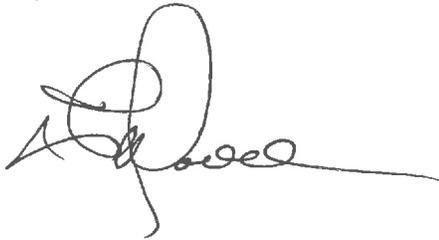
Meadow

ENGINE QUARRY BID

Frederick J. Dodd International Zoological

Based on recent sales of like and adjacent property being that purchase by Dan Hasted of 8 acres for the sum of \$11,000.00 would lead me to believe that the fair market value would be \$1,375.00 per acre. So at this fair market value I would place the value of the 14 acre quarry at $14 \times \$1,375.00$ which is \$19,250.00. I would therefore round it off and offer the city of Rockland and even \$20,000 for the 14 acre Engine Quarry property.

MY BID IS \$20,000.00

A handwritten signature in black ink, appearing to read 'F. J. Dodd', with a long horizontal line extending to the right.

**Frederick J Dodd
508-654-5252
www.ize2belize.com**



INTERNATIONAL ZOOLOGICAL EXPEDITIONS

210 Washington St., Sherborn, MA 01770 • Tel. (508) 655-1461 • Fax (508) 655-4445
Email: ize2belize@aol.com • Web Site: www.ize2belize.com

November 23, 2015

Dear Jim Chaousis, John Root, Kevin Beal and members of the city council:

Firstly, I would like to thank you all very much for taking the time to meet with me over the last few weeks concerning the Engine Quarry. I would like to reconfirm my interest in purchasing this quarry from the City of Rockland and enclosed is my bid. In this vein, please do keep me informed as to what I can do to move forward as expeditiously as possible if my bid should be accepted. As you may recall, I work overseas in the country of Belize and I will be away on such a business trip December 8 through the 17th.

At the risk of being overbearing, I would like to explain to you all a little bit about who I am and what my intentions would be for the quarry.

A bit about myself

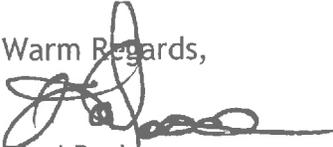
After finishing graduate school in 1970 with degrees in biology, I started a business known as International Zoological Expeditions (IZE). The mission of IZE is to introduce as many students and laypeople alike as possible, to the biological wonders of our planet. Now with our field stations based in the country of Belize, IZE has introduced tens of thousands of students over the last four and a half decades to the ecology of tropical rain forests and tropical marine environments. Many now famous biologists and scientists have arisen from this introduction with IZE. The University of Maine, Colby College, Bowdoin, Unity College, are just a few of the institutions within the state of Maine that have participated in our programs over the years. For more information on IZE, please visit our website at www.izebelize.com.



My intentions for the Engine Quarry would be to protect it from the eminent degradation that it now faces. I would like to stop the illegal dumping, clean out the quarry, and make it available for those who wish to study such a different and unique self contained ecosystem. I have already done this in the City of Rockland by purchasing and restoring the quarry on Mountain Road. I have also purchased and protected Oak Island, Oak is a 17 acre island located off the north coast of North Haven. I have made the island open to the public and set up nature trails throughout the island to protect the vegetation. I would plan to do the same at the Engine Quarry. I have also been successful in setting aside nearly 300 acres in Connecticut (Doris Shaw Wildlife Sanctuary) that was bound for development. As well as 236 acres in southern New Hampshire known as (Robbins Pond) Seventy acres of pristine rain forest in the country of Belize known as (Blue Creek Rainforest) which is now in the process of being turned into a national Park, etc. It is my fervent hope that my bid will be successful and that I will become the next caretaker of the Engine Quarry.

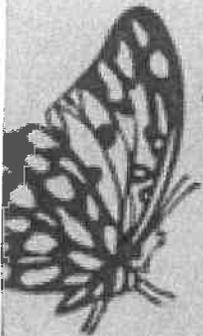
I have also been in continuous contact with one of the abutters on the west side of the quarry, Dan Hestad, who just purchased this 8 acre parcel. He has also indicated that he would like to work with me to protect the land and set it up as a wildlife preserve.

Thank you for considering my purchase and if for any reason you would like to meet with me or have any questions, please do not hesitate to contact me.

Warm Regards,

Fred Dodd

Frederick J Dodd
International Zoological
izebelize.com
ize4belize@aol.com Email
508-654-5252 Cell





ROBBINS POND

WILDLIFE SANCTUARY

The Robbins Pond wildlife sanctuary is a privately owned wildlife refuge. Please do not abuse these privileges or this sanctuary will be closed.

NO CAMPING

We hope
ecosyste
that it r

The following are signs that we have placed around our other properties letting the public know that they are welcome but MUST respect the property.

We would likely do a similar sign for the Eugene Quarry.

www.izebelize.com

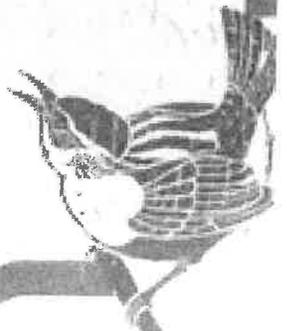
508-655-1461 / 508-654-5252

ize4belize@aol.com

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in perpetuity.

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DORIS T. SHAW WILDLIFE SANCTUARY



The Doris T. Shaw Wildlife Sanctuary is a privately owned wildlife refuge that is open to the public on a trial basis. Please do not abuse this privilege or this land will be closed.

PLEASE READ CAREFULLY
NO FIRES * NO HUNTING * NO TRAPPING
NO OVERNIGHT CAMPING
STAY ON TRAILS AT ALL TIMES

DO NOT LITTER



TAKE ONLY PICTURES
LEAVE ONLY FOOTPRINTS

Doris T. Shaw Limited Partnership
508-655-1461ize4belize@aol.com

BLUE CREEK WILDLIFE SANCTUARY

A private preserve operated
by

INTERNATIONAL ZOOLOGICAL EXPEDITIONS

NO HUNTING - FISHING - COLLECTING - FIRES - MILPAS
PLEASE CHECK IN WITH PARK WARDEN AND SIGN REGISTER
BEFORE ENTERING THIS PRESERVE.

CONSERVATION LAWS STRICTLY ENFORCED
CALL BELIZE DANGRIGA 05-22119

© Welcome

OAK ISLAND is a privately owned
Wildlife Preserve, open to the public.
All we ask is that you take nothing,
destroy nothing, and leave nothing.

Please Enjoy!

NATIONAL ZOOLOGICAL EXPEDITIONS (800) 633-3461

Greg N. Dorr

17 Mill St, Camden, Maine 04843

~~████████████████████~~
Cel. No. 207-239-0235

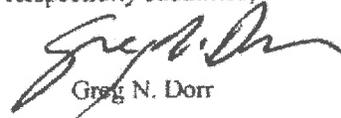
BID PROPOSAL for land owned by the City of Rockland at 224 Old County Road and identified on its tax maps as 80-A-3.

I offer to exchange the property I own at 45 Rankin Street (23-A-11) for 224 Old County Road (80-A-3.)

Rationale: My Rankin Street property is currently assessed at \$7,100 because it is undeveloped property. A recent review by the City's Code Enforcement office indicated that it is possible to build on that lot. The three surrounding lots which have houses on them (two on Rankin Street and one on Tea Street) are all smaller lots and are assessed at \$27,700 (23-A-23), \$33,400 (23-A-10) and \$31,900 (23-A-12) respectively. Accordingly I would assert that my lot is worth in excess of \$30,000. The property I own on Rankin Street would be useful to the City as the site for a retention pond to ameliorate Lindsey Brook flooding issues.

If you have any questions regarding this proposal please contact me for clarification.

Respectfully submitted,


Greg N. Dorr

Dec. 2, 2015
Dated ~~██████████~~

CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Model	00		Vacant				

MIXED USE	
Code	Description
1310	Res Land PO Dev
	Percentage
	100

COST/MARKET VALUATION

Adj. Base Rate:	0.00
Section. RCN:	0
Net Other Adj:	0.00
Replace Cost	0
AYB	0
EYB	0
Dep Code	
Remodel Rating	
Year Remodeled	
Dep %	
Funcl Obslinc	
Econ Obslinc	
Cost Trend Factor	1
Status	
% Complete	
Overall % Cond	
Apprais Val	0
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	

OB-OUTBUILDING & YARD ITEMS(D) / XF-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Descript	L/B Units	Unit Price	Yr	Gde	Dp	Rt	Chd	%Chd	Apr Value

BUILDING-SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprac. Value
		0	0	0		

Ttl. Gross Liv/Lease Area:

0

0

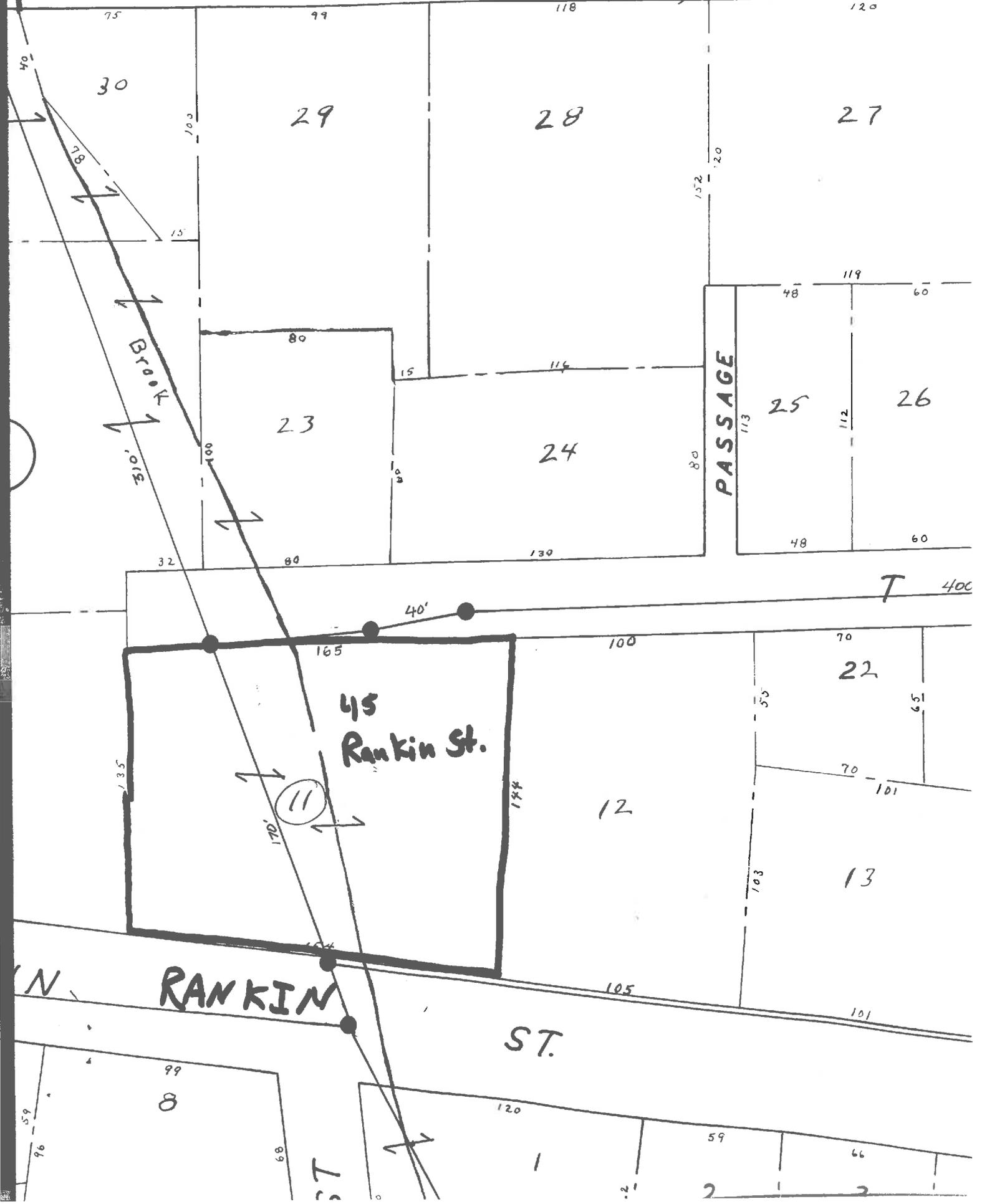
0

0

No Photo On Record

ST.

Map 23



75

99

118

120

30

29

28

27

100

15

152

20

Brook

310'

80

15

115

48

119

60

PASSAGE

25

26

113

112

24

80

48

60

32

80

130

T 400

40'

165

100

70

45 Rankin St.

22

135

11

188

12

55

65

70

101

13

103

RANKIN ST.

105

101

ST.

99

8

120

59

96

68

ST.

1

59

66

2

2

CITY OF ROCKLAND, MAINE

ORDER # 1

IN CITY COUNCIL

January 11, 2016

ORDER Accepting Forfeited Assets – Natale/Walsh

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

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

- \$4,610.00 U.S. Currency
- \$985.00 U.S. Currency
- \$4,610.00 U.S. Currency

State of Maine v. Duane Natale, Superior Court Docket # CR-15-885.

State of Maine v. Jason Walsh, Superior Court Docket # CR-15-888.

Sponsor: City Manager

Originator: Police Department

STATE OF MAINE
Knox, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-15-885

State of Maine	}	
	}	Municipality of Rockland
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Duane Natale,	}	
Defendant;	}	
	}	
And	}	
	}	
\$4,610.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Rockland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem (\$922.00), or any portion thereof, on the grounds that the Rockland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Rockland, Maine does hereby approve of the transfer of the Defendant(s) in Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Rockland municipal legislative body on or about

Dated: _____

Municipal Officer
Rockland, Maine
(Impress municipal legislative body seal here)

STATE OF MAINE
Knox, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-15-888

State of Maine	}	
	}	Municipality of Rockland
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Jason Walsh,	}	
Defendant;	}	
	}	
And	}	
	}	
\$985.00 U.S. Currency	}	
Defendant(s) In Rem #1	}	
	}	
\$4,610.00 U.S. Currency	}	
Defendant(s) In Rem #2	}	

NOW COMES the municipality of Rockland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem #2 (\$922.00), or any portion thereof, on the grounds that the Rockland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Rockland, Maine does hereby approve of the transfer of the Defendant(s) in Rem #2, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Rockland municipal legislative body on or about

_____.

Dated: _____

Municipal Officer
Rockland, Maine
(Impress municipal legislative body seal here)

CITY OF ROCKLAND, MAINE

ORDER # 2

IN CITY COUNCIL

January 11, 2016

ORDER Establishing Ad Hoc Committee – RSU #13/Education Options

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, pursuant to a Referendum Question passed by the voters of the City of Rockland at the Annual Municipal Election held on November 3, 2015 supporting the City's exploration of education options given the withdrawal of the town of St. George from RSU 13 and the steady rise in costs to Rockland since the merger of SAD 5 and SAD 50 into RSU 13, there is hereby established an Ad Hoc Education Options Committee to explore options that could potentially improve local education while minimizing costs, including, but not limited to, a municipal kindergarten through eighth grade system with students attending a multi-town regional high school, a municipal kindergarten through twelve grade system, as well as possible changes to the funding and governance structure of RSU 13. Said Committee shall consist of not more than eleven members appointed by the Mayor and confirmed by the City Council, and shall report its finding to the City Council no later than April 11, 2016.

Sponsor: Mayor MacLellan-Ruf
Originator: Mayor MacLellan-Ruf

CITY OF ROCKLAND, MAINE

ORDER # 3

IN CITY COUNCIL

January 11, 2016

ORDER Authorizing RFP – Production of Government & Educational Access Channels

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a Request for Proposals for the production and operations of the City's Government Access and Educational Access channels.

Sponsor: City Manager

Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER # 4

IN CITY COUNCIL

January 11, 2016

ORDER Authorizing Undesignated Fund Balance Expenditure – Professional Services

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 City's Undesignated Fund Balance Account to cover the cost of professional services for the development of Site Plan standards related to the moratorium on grid-scale power generation facilities.

Sponsor: City Manager
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER # 5

IN CITY COUNCIL

January 11, 2016

ORDER Routine Data Reporting To Council On Short Term Rentals

WHEREAS, Rockland has for decades permitted a variety of home occupations in residential neighborhoods and many residents conduct some form of business from their homes; and

WHEREAS, renting a single room in a residence on a short term basis is currently allowed in Rockland's zoning ordinances and renting whole homes or cottages on a short term basis has been a traditional vacation use of houses in Maine for over a century; and

WHEREAS, renting a room, an apartment, a condominium, or a entire house through AirBnB, VRBO, Home Away and other online services has increased the options and opportunities for property owners to rent a room or a residential unit for short periods of time ; and

WHEREAS, the City Council seeks to allow short term rentals in a manner that enhances the tourism sector of the local economy and provides income for Rockland's homeowners but only in a manner that does not disrupt abutters or degrade the City's neighborhoods; and

WHEREAS, residents have expressed a variety of concerns about short term rentals and questioned whether significant numbers of housing units could be converted to short term rentals, and

WHEREAS, requests have been made for the Council to consider per neighborhood or per block limits on the number of short rentals as well as prohibit short term rentals by nonresidents; and

WHEREAS, Council desires to have local data by which to evaluate short term rentals and by which to provide the basis for directing the Comprehensive Planning Commission to potentially explore additional and/or different license standards for Short Term Rentals;

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

THAT, the City Manager is to report to the Council at least annually in November of each year for the next three years on short term rentals in the City; and

THAT, the report at a minimum shall include the locations of short term rentals, the type of short term rentals, ownership of short term rentals, properties converted to short term rentals, all complaints received related to short term rentals and the type of short term rental from which the complaints arose as well as any other local data that may inform the Council on this question.

Sponsor: Councilor Pritchett
Originator: Councilor Geiger