

*CITY OF ROCKLAND, MAINE*



*270 Pleasant Street  
Rockland, Maine 04841*

**CITY CLERK'S OFFICE**

September 30, 2016

*YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF THE  
ROCKLAND CITY COUNCIL WILL BE HELD IN CITY COUNCIL  
CHAMBERS AT ROCKLAND CITY HALL, 270 PLEASANT STREET,  
ROCKLAND, MAINE ON MONDAY, OCTOBER 3, 2016 AT 5:30 P.M. FOR  
THE FOLLOWING PURPOSE(S):*

*[Please Note Starting Time and Date]*

Set Agenda for 10/12/16 Regular Meeting  
Presentations/Discussions - Legal Services Proposals  
Discussion - Procedures for Major Ordinance Amendment Proposals

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

  
STUART H. SYLVESTER  
CITY CLERK

**ITEMS FOR 10/12/16 REGULAR MEETING:**

**October 3, 2016**

**Communications: None**

**Licenses and Permits:**

- (a) Lodging House License – Trade Winds Motor Inn (Postponed 09/12/16)
- (b) Liquor License – Pho Sizzle Restaurant
- (c) Liquor & Entertainment Licenses – Fog Bar & Café

**Resolves:**

- #42 Accepting Donations - Library
- #43 Commendations – D. St. Laurent & C. Donlin

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

- #17 Ch. 4, Art. II Sprinkler Exceptions (Postponed 09/12/16)

**Ordinances in First Reading:**

- #32 Ch. 14, Arts. II, III & IV Sewer Use Ordinance
- #33 Food Sovereignty Ordinances
- #34 Ch. 4, Art. VIII Vacant Property Registry
- #35 Ch. 3, Sec. 3-203 Dogs Prohibited in Certain Parks

**Orders:**

- #62 Use of City Property and Street Closure – Festival of Lights

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

Name of Applicant Trade Winds INN Phone 596-6661

Address of Applicant 2 PARK DRIVE

Name of Business Trade Winds INN Phone 5966661

Address of Business 2 PARK DRIVE  
Rockland Me 04841

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

Type of License(s):  Liquor  Victualer  Entertainment

Lodging House  Commercial Hauler  Landscape Contractor

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

Type of Business Hotel

Expiration of Current License 10/15/16

Fee(s) Paid \$100.00 Date 8/25/16

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 9-1-16

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

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

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

\_\_\_\_\_  
Police Chief [Signature] \_\_\_\_\_ Date 9/6/16

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

Postponed 9/12/16 to 10/12/16

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

Name of Applicant Thong Pham Phone 323-1548

Address of Applicant 10 Leland St  
1st Floor

Name of Business Pho Sizzle Phone 323-1548

Address of Business 10 Leland St

Name of Property Owner (if different) Ari Herbst

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

Type of Business Vietnamese Restaurant

Expiration of Current License 9/15/16

Fee(s) Paid \$150.00 Date 9/14/16

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 9/14/16

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

Wm Butler Code Officer 9/21/16 Date  
 Approved  Inspected; See Report

Wm Butler for Fire Fire Inspector 9/24/16 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 9/20/16 Date

[Signature] City Clerk 9/21/16 Date

**CITY OF ROCKLAND, MAINE**

**RESOLVE #42**

**IN CITY COUNCIL**

October 12, 2016

**RESOLVE** Accepting Donations - Library

**WHEREAS**, the Friends of the Rockland Public Library donated \$3,162.97 to the Rockland Public Library for 18 DVD's, 67 books, and for Annual Interlibrary Delivery Service via Maine State Library, 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**, the Rockland Historical Society donated the book *Red Jacket: The Life and Times of a Maine Clipper Ship* (valued at \$59.95), to be added to the Library's collection; and

**WHEREAS**, Richard Stuart, Rockland, Maine, donated \$50.00 to the Library in memory of Ken Crane, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003);

**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 #43**

**IN CITY COUNCIL**

October 12, 2016

**RESOLVE** Recognition and Commendation – D. St. Laurent & C. Donlin

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

**THAT** Public Services Director David St. Laurent and Assistant Public Services Director Christopher Donlin are hereby commended and congratulated for the outstanding performance of their duties with regard to the recently completed Old County Road repair project;

**AND**, be it further Resolved that a Plaque be presented to Mr. St. Laurent and to Mr. Donlin as a token of the City's appreciation for their service to the Community;

**AND**, be it further resolved that the Council wishes to express its thanks to Gartley and Dorsky Engineers and Crooker Construction Company for the expertise and performance of their respective duties to bring this project to a successful conclusion; and that a letter of thanks be sent to each.

Sponsor: City Council  
Originator: City Council

**CITY OF ROCKLAND, MAINE**  
**ORDINANCE AMENDMENT #17**  
**(As Amended 07/11/16)**  
**IN CITY COUNCIL**

July 11, 2016

**ORDINANCE AMENDMENT: Exempting Single Family Homes with Fewer Than ~~1,200~~ 1,000 Sq. Ft. From Sprinkler Requirement**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 4, Buildings, Inspections & Enforcement, ARTICLE II, Fire Prevention and Life Safety, BE AMENDED AS FOLLOWS:**

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

**A. Adoption.** Pursuant to Title 30-A, Maine Revised Statutes, Section 3003, as amended, and subject to the limitations set forth in Section 4-402(B) below, the National Fire Protection Association (“NFPA”) 101, 2012 Edition, is hereby referred to and adopted as the Life Safety Code of the City of Rockland, Maine, establishing the minimum standards for the conditions and equipment in buildings, except one- and two-family dwellings, that protect the safety of inhabitants and firefighters in the event of a fire; and each and all of the regulations of the NFPA 101 Life Safety Code, 2012 Edition, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article. One copy of the Life Safety Code shall be on file and available to the public for its use, inspection, and examination in the offices of the Fire Chief and Code Enforcement Officer of the City of Rockland. Eff: 12/10/14

**State Law References:** 30-A M.R.S. § 3003; 25 M.R.S. §§ 2351, *et seq.*

**B. Amendments.**

(1) Amendment by Reference. The Rockland Life Safety Code is amended as set forth in the regulations of the Department of Public Safety, Title 16, Code of Maine Regulations, Part 219 – Office of the State Fire Marshal, Chapter 20– Code For Safety To Life From Fire In Buildings And Structures.

(2) Exceptions. The exceptions to the Life Safety Code adopted by the State Fire Marshall in Title 16, Code of Maine Regulations, Part 219, Chapter 20, are hereby amended as follows:

- (a) Extinguishment Requirements in One- And Two-Family Dwellings. Section 4.3.4.1 of the NFPA 101 Life Safety Code is incorporated by reference in the City of Rockland; provided, however, that a sprinkler system otherwise required pursuant to Section 4.3.4.1 shall not be mandatory if all of the provisions of B(2)aIII are met and if either the provisions of B(2)aI or B(2)aII either are meet:

- (I) The dwelling is a single-family structure with fewer than 1,000~~1,200~~ sq. ft. of living area, or
- (II) The dwelling is either a single-family structure with 1,000~~1,200~~ or more sq. ft. of living area or a two-family structure and the building, whether a single family or two family, is located within 1000 feet of a public, pressurized fire hydrant; all of the following conditions are met:
- (III) A sprinkler system otherwise required pursuant to Section 4.3.4.1 shall not be mandatory for structure meeting either B(2)aI or B(2)aII above and all of the following provisions:
- (i) The building shall not be utilized for any purpose other than a one-family dwelling;
  - (ii) ~~The dwelling must be located within 1000 feet of a public, pressurized fire hydrant;~~
  - (iii) The entire load bearing structure of the house including but not limited to floor joist if not on a concrete slab, interior of exterior wall studs or posts, wall plates, rafters, trusses, and any load bearing beams are made of appropriately sized dimensional wood or protected steel and the load bearing structure of the house does not contain any low mass or laminated engineered wood products or unprotected steel.~~No floor or roof system shall be constructed of trusses, web joists, TJ joists or similar low-mass engineered products, unprotected steel or unprotected engineered carrying beams such as, but not limited to LVL, Microlam, etc.;~~
  - (iii~~v~~) In new one-family dwellings and in existing buildings, the use of which is changed to a one-family dwelling, operational smoke alarms shall be required outside each separate sleeping area in the immediate vicinity of bedrooms; in each room used for sleeping purposes, and on each story including the basement. Smoke alarms shall be photoelectric type, where required, and shall be hard-wired with battery back-up. Smoke alarms must be interconnected such that activation of one alarm within the building shall activate all smoke alarms within the dwelling;
  - (iv) At least one carbon monoxide detector shall be located in each area within, or giving access to, any bedroom in the dwelling. Carbon monoxide detectors shall be powered by the electrical service and shall have battery back-up; and
  - (vi) Building plans shall be reviewed by the Fire Department and the benefits of residential sprinkler systems shall be concisely presented to the property owner, at which time the property owner shall explicitly opt out

of the NFPA 101 Life Safety Code requirements for installation of a residential sprinkler system.

- (b) **Building Rehabilitation.** Chapter 43 of the NFPA 101 Life Safety Code is incorporated by reference in the City of Rockland.

Sponsor: Councilor Geiger  
Originator: Councilor Geiger

*Postponed 8/8/16 to 9/12/16 (after PH)*  
*Postponed 9/12/16 to 10/12/16*

First Reading 7/11/16  
First Publication 7/21/16  
Public Hearing 8/8/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

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

October 12, 2016

**ORDINANCE AMENDMENT** Amending The Sewer Use Ordinance And Providing For Shared Responsibility For Construction And Maintenance of Building Sewers in the Right-of-Way

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 14, Sewers, Drains and Solid Waste, ARTICLE II, Sewage Facilities; General, ARTICLE III, Sewers; Construction and Assessment and ARTICLE IV, Use of Public and Private Sewers and Drains, BE AMENDED AS FOLLOWS:**

**ARTICLE II Sewage Facilities; General**

**Sec. 14-201 Sewerage Facilities Required**

Where a building is required to ~~have facilities for the sanitary disposal of human waste connect to a public sewer by the provisions of Article IV of Chapter 14 of the Rockland Code,~~ that building shall have a house drainage system which, ~~except as otherwise provided under this Chapter,~~ shall be connected with ~~a private or the the public~~ sewer by the owner or agent of the premises in the most direct manner possible, and, ~~unless exempted by the Director of the Water Pollution Control Facility (the "Director") if feasible,~~ with a separate connection for each house or building. All houses provided with a house drainage system shall have at least one (1) private water-closet connected with the house drainage system. In ~~multi-family structures, ple dwellings provided with a house drainage system~~ there shall be provided for each ~~dwelling unit family~~ at least one (1) private water-closet connected with the house drainage system. Privy vaults, septic tanks or cesspools shall not be installed on premises accessible to a public sewer; when not so accessible, they may be constructed only in accordance with the specifications of the Maine Department of Human Services and with the written permit of the local Plumbing Inspector.

**Sec. 14-202 Cleaning, Privies, Vaults, Cesspools, Septic Tanks**

Whenever any privy, vault, cesspool, or septic tank shall become offensive to safety, health, comfort or convenience of the public, the Health Officer, Plumbing Inspector, and City Council may take whatever action is appropriate and which they are authorized to take under the Maine State Plumbing Code, Title 17, Title 22, or Title 30-~~A~~ of the Maine Revised Statutes ~~Annotated.~~

**Sec. 14-203 Penalty**

Every person who shall be guilty of a violation of any provision of this Article to which a particular penalty is not annexed ~~under applicable law,~~ shall forfeit and pay a sum of not more than ~~fiveone~~ hundred dollars (\$~~5~~100), to be recovered to the use of the City on complaint or by other appropriate action before the Sixth District Court.

#### **Sec. 14-204 Penalty - Further Violation**

The imposition of a penalty for violation of this Article shall not excuse the violation or permit it to continue; such violation shall be remedied within a reasonable time, or within such time limit given by the appropriate City official, and each day such ~~violation~~~~nuisance~~ continues to exist following the expiration of the time limit specified in any notice given to the owner of the premises by the appropriate City official for the abatement of such ~~violation~~~~nuisance~~ shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions, nor preclude the City Attorney from causing to be instituted an appropriate action to prevent, restrain, correct or abate a violation of this Article.

**State Law Reference:** 22 M.R.S. §§ 42, 454-A, 1561; 30-A M.R.S. § 3428; 17 M.R.S. § 2802.

### **ARTICLE III Public Sewers; Construction and Assessment**

#### **Sec. 14-301 Construction Authorized**

As provided by the Revised Statutes of Maine, the City Council may, at the expense of the City, construct public drains or sewers along or across any public way therein; and through any lands of persons or corporations, when the City Council deems it necessary for public convenience or health. Before the land of persons or corporations is so taken, notice shall be given, and damages assessed and paid therefore as is provided for the location of town ways.

#### **Sec. 14-302 Assessment**

As provided by the Revised Statutes of Maine, when the City has constructed and completed a public drain or ~~common~~-sewer, the City Council shall determine what lots or parcels of land are benefited by such drain or sewer, and shall estimate and assess upon such lots and parcels of land, and against the owner thereof, or person in possession, or against whom taxes thereon shall be assessed, whether the person to whom the assessment is so made shall be the owner, tenant, lessee, or agent, and whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable toward defraying the expenses of constructing and completing such drain or sewer together with such sewage disposal units and appurtenances as may be necessary, and constructed after the effective date of this Article, the whole of such assessment not to exceed one-half the cost of such drain or sewer and sewage disposal units and such drain or sewer shall forever hereafter be maintained and kept in repair by the City. The cost to be assessed among the property owners pro-rata may reflect the ratio that the number of feet frontage along the sewer line of each property owner bears to the total frontage of all abutters along the sewer construction project. All assessments may be paid in full at the time of notice due or may be paid in three (3) equal installments over a three (3) year period following assessment by the City. The rate of interest charged on the unpaid balance and the date when it begins to accrue shall be determined pursuant to the provisions of Title 30-A, § 3444 of the Maine Revised Statutes Annotated. ~~Payment of the assessment will be enforced by Section 14-408 of this Chapter.~~

#### ~~Sec. 14-303 Sewer Entrance Fee~~

~~A property owner wishing to access any public sewer shall make application therefore to the Code Enforcement Officer, and shall pay an entrance fee as set by the Charges and Fees Order of the Rockland City Council. No separate entrance fee shall be charged to applicants who install the entrance from their property to the public sewer at the time that the sewer or public drain is constructed, and who have paid, or are in the process of paying, the assessment required by Section 14-402.~~

**Sec. 14-~~303~~304 Notice and Hearing**

As provided by the Revised Statutes of Maine, the City Council shall file with the City Clerk the location of such drain or sewer and sewage disposal unit with a profile description of the same, and statement of the amount assessed upon each lot or parcel of land so assessed, and the name of the owner of such lots or parcels of land or person against whom the assessment shall be made, and the City Clerk shall record the same in a book kept for the purpose, and within ten (10) days after filing such notice, each person so assessed shall be notified of such assessment by having an authentic copy of the assessment, with an order of notice signed by the City Clerk stating the time and place for a hearing upon the subject matter of the assessments, given to each person so assessed or left at his usual place of abode in the City, if he has no place of abode in the City, then such notice shall be given or left at the abode of his tenant or lessee if he has one in the City; if he has no such tenant or lessee in the City, then by posting the same notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least thirty (30) days before the hearing, or such notice may be given by publishing the same three (3) weeks successively in any newspaper published in the City, the first publication to be at least thirty (30) days before the hearing; a return made upon a copy of such notice by any constable in the City or the production of the paper containing such notice shall be conclusive evidence that the notice has been given, and upon such hearing the City Council shall have power to revise, increase, or diminish any of such assessments, and all such revisions, increase or diminution shall be in writing and recorded by the City Clerk.

**Sec. 14-~~304~~305 Assessment May Be Determined By Arbitration**

As provided by the Revised Statutes of Maine, any person not satisfied with the amount for which he is assessed under the provisions of the preceding section may, within ten (10) days after such hearing, by request in writing given to the City Clerk, have the assessment upon his lot or parcel of land determined by arbitration. The City Council shall nominate six (6) persons who are residents of the City, two (2) of whom selected by the applicant with a third resident person selected by the two persons shall fix the sum to be paid by him, and the report of such referees made to the City Clerk and recorded by him shall be final and binding upon all parties. The reference shall be had and their report made to the City Clerk within thirty (30) days from the time of hearing before the City Council as provided in the previous section hereof.

**MOVE: Sec. 14-~~306~~ Conditions For Private Drains Entering Public Drains**

~~As provided by the Revised Statutes of Maine, any person may enter his private drain into any public drain or common sewer while the same is under construction and before the same is completed and before the assessments are made, on obtaining a permit in writing from the City~~

~~Council; but after the same is completed and the assessments made, no person shall enter his private drain into the same until he has paid his assessment and obtained a permit in writing from the City Clerk, by authority of the City Council. All permits given to enter any such drain or sewer shall be recorded by the City Clerk before the same are issued.~~

**Sec. 14-~~305~~307 Collection of Assessments**

All assessments and charges made under the provisions of the public laws including, without limitation, Articles II, III, or IV of this Chapter, shall be ~~certified by the Municipal Officers and~~ filed with the Tax Collector for collection. If the person assessed, within thirty (30) days after written notice of the amount of such assessments and charges, fails, neglects or refuses to pay the municipality the expense thereby incurred, a special tax in the amount of such assessment and charges may be assessed by the Municipal Assessors upon each and every lot or parcel of land so assessed and buildings upon the same, and such assessment shall be included in the next annual warrant to the Tax Collector for collection, and shall be collected in the same manner as State, county, and municipal taxes are collected.

**REDUNDANT:**

**~~Sec. 14-308 Action for Collection~~**

~~All assessments and charges made under Articles IV and V shall be certified by the Municipal Officers and filed with the Tax Collector for collection. If the person assessed, within thirty (30) days after written notice of the amount of such assessments and charges, fails, neglects or refuses to pay the municipality the expense thereby incurred, a special tax in the amount of such assessment and charges may be assessed by the Municipal Assessors upon each and every lot or parcel of land so assessed and buildings upon the same, and such assessment shall be included in the next annual warrant to the Tax Collector for collection, and shall be collected in the same manner as State, county and municipal taxes are collected.~~

**ADDRESS THIS SECTION AND OTHER PROVISIONS REGULATING CONNECTIONS TO PUBLIC SEWERS IN ARTICLE IV:**

**~~Sec. 14-306 Conditions For Private Drains Entering Public Drains~~**

~~As provided by the Revised Statutes of Maine, any person may enter his private drain into any public drain or common sewer while the same is under construction and before the same is completed and before the assessments are made, on obtaining a permit in writing from the City Council; but after the same is completed and the assessments made, no person shall enter his private drain into the same until he has paid his assessment and obtained a permit in writing from the City Clerk, by authority of the City Council. All permits given to enter any such drain or sewer shall be recorded by the City Clerk before the same are issued.~~

**Sec. 14-306309 Acceptance of Provisions**

The City Council hereby accepts, on behalf of the City of Rockland, the provisions of the Revised Statutes of Maine pertaining to highways, drains and sewers.

### **~~Sec. 14-310 Private Drains; Permit Applications~~**

~~As provided by the Revised Statutes of Maine, abutters upon the line of a public drain constructed prior to the acceptance of aforementioned statutes, and the owners of contiguous private drains may enter and connect with such public drain on written application to the City Council distinctly describing the land to which it applies and paying therefor the fee provided in Chapter 11. The City Council shall then give the applicants written permits so to enter, which shall be available to the owner of the land so described, his heirs, and assigns, and shall run with the land without any other or subsequent charge or payment. The City Council shall establish such other regulations and conditions for entering public drains as it deems expedient.~~

### **~~Sec. 14-303 Sewer Entrance Fee~~**

~~A property owner wishing to access any public sewer shall make application therefore to the Code Enforcement Officer, and shall pay an entrance fee as set by the Charges and Fees Order of the Rockland City Council. No separate entrance fee shall be charged to applicants who install the entrance from their property to the public sewer at the time that the sewer or public drain is constructed, and who have paid, or are in the process of paying, the assessment required by Section 14-402.~~

### **~~Sec. 14-311 Adjustment to Permit Fee~~**

~~As provided by the Revised Statutes of Maine, if any person is dissatisfied with the sum which he is required to pay to enter a public drain, and within ten (10) days after notice thereof, requests in writing to have it determined by arbitration, the City Council shall nominate six (6) persons, any two of whom selected by the applicant with a third person selected by himself may fix the sum to be paid; and by paying it and the fees of the arbitrators, the applicant shall be entitled to a permit.~~

### **~~Sec. 14-312 Penalty for Connecting Private Drains With Public, Without Permission~~**

~~As provided by the Revised Statutes of Maine, if any person connects a private drain with a public drain or enters it by a side drain without a permit, the City Council may forthwith destroy the connection; and such person forfeits to the City not more than two hundred dollars (\$200) to be recovered by indictment or action of debt.~~

### **~~Sec. 14-313 Penalty for Violation of Permit, and for Nuisance~~**

~~As provided by the Revised Statutes of Maine, if any person willfully or negligently violates any condition or regulation prescribed in his permit, the City Council may forthwith disconnect his drain from the public drain and declare his permit forfeited; and such person, his heirs, and assigns shall not be allowed to enter it again without a new permit. Whoever by the construction or use of a private drain commits a nuisance is liable therefor notwithstanding anything herein contained.~~

**~~Sec. 14-314 Private Drain Neglected by Owner~~**

~~As provided by the Revised Statutes of Maine, if a private drain becomes so obstructed or out of repair as to injure any street or highway, and the persons using it, after notice by the Director of Public Works, unreasonably neglects to repair such injury, it shall be repaired by the City and the expense thereof may be recovered to the City in an action on the case against any one or more of the persons using such drain.~~

**Sec. 14-30715 Willfully or Carelessly Injuring Public Drains**

As provided by the Revised Statutes of Maine, whoever willfully or carelessly injures or obstructs such public drain or its outlet, or any street or highway culvert leading to it, is liable to the City in an action on the case for double the amount of injury and damages thereby caused, in addition to all other legal penalties therefor.

**THIS IS ADDRESSED IN SECTION 15-409:**

**~~Sec. 14-316 Highways Not To Be Opened Without Consent~~**

~~As provided by the Revised Statutes of Maine, whoever digs up the ground in a highway or street to lay or repair any drain or common sewer without the written consent of the City Council forfeits for each offense four dollars (\$4) to the City.~~

**Sec. 14-30817 No Street Acceptance With Private Drain**

No new street within which there is a private drain or sewer shall be accepted so long as the drain or sewer remains private property.

**State Law Reference:** 30-A M.R.S. §§ 5403-5415, 4351-4456; 10 M.R.S. §§ 1061-1072.

**Cross Reference:** Chapter 14, Article IV.

**ARTICLE IV**

**Use of Public and Private Sewers and Drains**

**Private Sewage Disposal, the Installation and Construction of Building Sewers, and the Discharge of Waters and Wastes into the Public Sewer System: and Penalties for Violation Thereof in the City of Rockland, Maine, County of Knox**

\* \* \*

**Sec. 14-401 Definitions**

\* \* \*

- 14. "Charges and Fees Order" shall mean a document that to be approved by the Council of the City of Rockland. This Order shall contain the most recent fees, surcharges, interest charges on delinquent accounts, formulas, and other rates as defined this Sewer Use Ordinance that shall be applied to users of the City's Water Pollution Control Facility.

The City Council shall establish this Order on at least an annual basis. This Order shall be separate from the Sewer Use Ordinance. The Director of the Pollution Control Facility shall have the authority to adjust fees, surcharges, interest charges on delinquent accounts, formulas, and other rates contained in this Order and re-submit the Order to the Council of the City of Rockland for approval as needed to ensure the operation of the Facility and compliance with its pretreatment programs. In the event an error in any fee, surcharge, or other assessment is discovered, the Director may correct the error for a period not exceed up to one year, including billing the user for an additional amount owed, or remitting to the user an amount that was overpaid.

\* \* \*

**Sec. 14-402 Unlawful Disposal of Sanitary or Solid Waste; Use of Public Sewers**

1. *Depositing Waste in Unsanitary Manner.* It shall be unlawful for any user or person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Rockland, Maine, or in any area under the jurisdiction of the City of Rockland, any human or animal excrement, garbage, or other objectionable waste.

2. *Discharge to Natural Outlet.* It shall be unlawful to discharge to any natural outlet within the City of Rockland, or in any area under the jurisdiction of the City of Rockland, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

3. *Privy; Cesspool; Septic Tank.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. *Connection to Public Sewer.* The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Rockland and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the City of Rockland, is hereby required, at his expense, to install suitable toilet facilities therein. Such owner shall also connect such facilities directly with the proper available public sewer in accordance with the provisions of this Article, and pay the Reserve Capacity Charge established pursuant to Section 14-408(16) and set forth in the Charges and Fees Order of the Rockland City Council. The owners of structures with toilet facilities on properties abutting on any street, alley, or right-of-way in which a newly-constructed public sewer is located shall, within ninety (90) days after the date of official notice to do so, connect to such public sewer and pay the Reserve Capacity Charge, or may apply to the Director for an extension of time to connect, in accordance with the following terms:

- A. If the applicant's existing septic system is in working order, as determined by the City, the extension may be granted for a period of up to five years, or the date of~~upon~~ the transfer of ownership of the property, whichever occurs first;
- B. A second extension may be granted, for an additional period~~time~~ not to exceed five years or the~~upon~~ transfer of ownership of the property, whichever occurs first, only upon approval by the Rockland City Council;

C. The owners situated in the City of Rockland who are not connected to an available public sewer, for any reason whatsoever, shall be assessed minimum sewer charges, as approved by the Rockland City Council; and

~~D. If connection to the public sewer occurs within the 90-day period referenced above, no capacity charge (as approved by the Charges and Fees Order of the Rockland City Council) will be assessed.~~

~~DE. If connection is timely, and in accordance with the applicable requirements of this Article and of Chapter 15, the Reserve Capacity Charge established under Section 14-408 may be reduced by the amount of minimum sewer charges, if any, assessed on and paid by the property owner and his immediate predecessor in title prior to connecting to the public sewer. If, after the 90-day period, due to an extension granted, the owner has the choice to pay either the assessed minimum sewer charge in a timely manner upon receipt of the bill or the capacity charge, at the time of connection.~~

~~A property owner may connect to and enter a common sewer that is not a public sewer but is connected to a public sewer only in the event such owner submits, in a form acceptable to the Director, an agreement documenting the owner's right to enter the common sewer, setting forth the respective rights and responsibilities of all property owners connected or to be connected to the common sewer with respect to its use, maintenance, and replacement, and granting the City of Rockland an acceptable means of enforcing such users' compliance with applicable permitting, sewerage disposal, and environmental laws, regulations, rules, and ordinances, including without limitation the authority to (1) repair or replace the common sewer, at its users' expense, and to (2) place a lien on users' real property as a mechanism for collecting sewer fees and charges authorized under this Chapter in like manner as is authorized under Title 30-A, Maine Revised Statutes, Section 3406, and Title 38, Section 1208. Users who discharge wastewater to a public sewer via a shared, private sewer or common sewer that is not the subject of such an user agreement are each jointly and severally liable for the full cost of maintaining, repairing, and/or replacing such shared sewer.~~

#### **Sec. 14-40~~3~~4 Building Sewers and Connections**

~~15. *Separate System for Every Building.* A separate and independent building sewer shall be provided for every building; except provided, however, that the Director, in his sole discretion, may grant an exception from this requirement in the following circumstances:~~

- ~~A. where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer;~~
- ~~B. where the Director determines that the construction of a separate building sewer connection to a public sewer would necessitate a street opening that unreasonably or unnecessarily disrupts the street and where the property owner reaches agreement with an abutter in a form acceptable to the Director to connect to the public sewer via such abutter's existing or replacement sewer connection, so long as such connection~~

is not located under any building or other structure or tree; and/or

C. where the two or more buildings to be served by one building sewer are located on the same lot, and the building sewer is designed and constructed in conformance with specifications for a public sewer of similar capacity. Before such lot may be subdivided, the property owner shall prepare, obtain the Director's approval of, and execute a common sewer agreement in conformance with subsection 14-402(4).

28. Elevation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means (e.g., pump station) and discharged to the building sewer. Where a structure has any facilities or open drains discharging wastewater to a public sewer that are situated below the elevation of the nearest manhole rim and/or street, and the discharge to the public sewer is by gravity flow, a back-flow prevention device shall be installed in the building sewer.

39. Surface Runoff; Groundwater. No user shall make new connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

46. Old Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this Ordinance.

51. Permit Required. No unauthorized user or person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written Sewer Connection Permit from the Director. An application for a sewer connection permit shall constitute a request that the City reserve capacity at the Water Pollution Control Facility sufficient to treat and lawfully discharge wastewater generated at the property that is the subject of the permit. Any user or person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system, shall notify the Director at least forty five (45) days prior to the proposed change or connection.

62. Classes of Permits. There shall be two (2) classes of sewer connectionbuilding permits: (A) for residential and commercial service, and (B) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City of Rockland. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee for a residential or commercial building sewer permit, as established by the Charges and Fees Order of the Rockland City Council and the cost of installation for an industrial building sewer permit, as established by the Charges and Fees Order of the Rockland City Council, shall be paid to the City of Rockland at the time the application is filed.

73. Industrial Waste. If, after receipt and review of an Industrial Use Connection Application, the Director determines that the proposed industrial discharge into the sewer system will not be harmful to the sewage works, cause the City to violate any of their Federal or State discharge permits, or to operate in conditions more severe than normal, the Director may issue an Industrial Wastewater Permit. The permit shall contain specific effluent limitations, plans and specifications for the industrial pretreatment facilities, and other terms and conditions as the Director may deem necessary. Violation of any term of the Industrial Wastewater Permit shall be subject to penalties as outlined in Section 14-419 (Enforcement and Penalties) and by the

Charges and Fees Order of the Rockland City Council.

**844.** *Supervision of Connection by Public Works Director or his designee.* The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his designee.

9. *Building Sewer Construction and Connection.* The property owner shall be responsible for the construction of sewers serving building(s) on the property provided, however, that the City shall, upon application for a connection permit and payment of applicable fee(s) and/or charge(s) initiate and oversee the construction of those portions of new and replacement building sewers that connect with a public sewer that are located between the property line and the public sewer, and their connection with the public sewer. For that purpose, the City shall retain a Water Pollution Control Facility General Services Contractor or other contractor approved by the Director. The connection shall be made under the supervision and subject to the inspection and approval of the WPCF Director or his designee. Upon the completion and approval by the City of such private sewer lateral, the property owner, his heirs and assigns shall thereafter maintain the entire length of the building sewer, including that portion that is located in the right-of-way, in good repair and working order, free from obstructions, defects, and excess infiltration. In the event the repair of a building sewer requires that the street be opened, the City shall, itself or through a contractor acceptable to the Director, cause such street opening and repair, at the property owner's expense; provided, however, that if the Director, in his sole discretion, determines that the building sewer defect requiring repair (A) occurred within two years of the construction of the building sewer by the City's contractor, and (B) was necessitated by a failure of materials or workmanship in the construction of the building sewer by such contractor, the City or its contractor shall bear the expense of the repair.

104. *Costs Borne by Owner.* The Rockland City Council, in consultation with the Director, shall establish in its Charges and Fees Order a Building Sewer Construction Charge or Charges. Such Building Sewer Construction Charge shall reflect the average cost of the construction of a fifteen foot long, specified length those portions of six (6) inch diameter building sewer, at specified depths, that are located within the right-of-way and its of their connection to the public sanitary sewer, including the cost of opening and repaving the street and sidewalk. The property owner shall pay such Building Sewer Construction Charge as the owner's cost for constructing that portion of the owner's building sewer that is located within the right-of-way, up to thirty (30) feet in length, irrespective of the actual cost of constructing the building sewer within the right-of-way and connecting it to the public sewer. The property owner shall pay the entire actual cost of the construction and connection of the owner's building sewer within the right-of-way if it exceeds 30 feet in length. In the event that a property owner connects to an existing drain outside a public right-of-way, the owner shall pay the full, actual cost of such connection. All costs and expense incident to the maintenance of the building sewer, both on private property and within the right-of-way, following its installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City of Rockland from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**112.** *Excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Rockland.

**127.** *Construction Requirements.* The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing,

testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City of Rockland. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and Water Environment Federation (WEF) Manual of Practice No. 9 shall apply.

**1310. Connections; Requirements.** The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City of Rockland, or the procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director and/or Public Works Director before installation.

14. Compliance With Applicable Law. Following the establishment of a connection of a private drain with a public sewer, the owner and/or other occupants of the property shall comply with all applicable laws, regulations, rules, and ordinances regulating the use and maintenance of public sewers, and discharge and pretreatment standards and restrictions for wastes discharged to such public sewer.

#### **Sec. 14-40~~43~~ Private Sewage Disposal**

1. **Connection to Private System.** Where a public sanitary or combined sewer is not available, or immediate connection to such sewer is not required, under the provisions of Section 14-402(4) (Use of Public Sewers), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section. No property owner whose property is once connected to the public sanitary or combined sewer shall disconnect said property and construct a private sewage disposal system.

2. **Permit Required.** Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Local Plumbing Inspector. The application for such permit shall be made on a form furnished by the City of Rockland, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Local Plumbing Inspector. A permit and inspection fee as established by the Charges and Fees Order of the Rockland City Council shall be paid to the City of Rockland at the time the application is filed.

3. **Inspections.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Local Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Local Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Local Plumbing Inspector.

4. **State Requirements.** The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of appropriate State of Maine agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. **Connection to Public Sewer.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Article and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

6. Operation and Maintenance. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Rockland. ~~Sec. 14-314 Private Drain Neglected by Owner.~~ As provided by the Revised Statutes of Maine, if a private drain becomes so obstructed or out of repair as to injure any street or highway, and the persons using it, after notice by the Director of Public Works, unreasonably neglects to repair such injury, it shall be repaired by the City and the expense thereof may be recovered to the City in an action on the case against any one or more of the persons using such drain.

State Law Ref.: 30-A M.R.S. § 3426.

7. Local Plumbing Inspector's Authority. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Plumbing Inspector.

8. Procedure After Connection to Public Sewer. When a connection is made to a public sewer from a property formerly served by a private sewage disposal system, the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt by the property owner within sixty (60) days of the connection to the public sewer.

\* \* \*

#### **Sec. 14-408 Local Discharge Restrictions**

In addition to the Prohibited Discharge Standards identified in Section 14-405 (Prohibited Discharge Standards), the following limits and prohibitions apply to users discharging into the Rockland POTW. Users shall not discharge or cause to be discharged any waters or wastes with characteristics outside the ranges described in any part of this Section without prior written approval from the Director to do so.

1. *Discharge of Certain Waters to Sanitary Sewer Prohibited.* No user shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. *Stormwater Sewers.* Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a storm sewer, combined sewer, or natural outlet.

3. *Discharge of Flammable, Toxic, Corrosive, or Solid Substances.* No user shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Flammable; Explosive. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- B. Toxic. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.

- C. Corrosive. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. Solid; Viscous. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

4. *Other Types of Substances Prohibited.* No user shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Temperature. Any liquid or vapor having a temperature higher than 130°F unless otherwise authorized by permit but in no case heat in such quantities that the temperature at the Rockland WPCF exceeds 40°C (104°F).
- B. Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100 mg/L or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).
- C. Garbage. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.
- D. Toxic. Any waters or wastes containing pollutants in concentration to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director for such materials.
- E. Taste; Odor. Any waters or wastes containing phenols, or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- F. Radioactive. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulation.
- G. pH. Any waters or wastes (outside the acceptable range according to section 4.H of this section.
- H. Local Limits:

See separate Local Limits document.

- I. Additional Limitations: Unless specifically authorized by a wastewater permit, no discharge shall exceed the following maximum daily limits. All references to “slug load” shall be as per the definition of “slug load” as included in Section 14-501 (Definitions).
  - (1) Dissolved Sulfates.....200 mg/L
  - (2) Chlorine in such quantities as to constitute a slug load
  - (3) Unusual volume of flow or concentration of wastes as to constitute a slug load
  - (4) Excessive discoloration such as, but not limited to, dye waste, vegetable solutions and tanning solutions.
  - (5) Untreatable. Waters of wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- J. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 14-405.

5. *Prohibited Substances; Director's Options.* If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 4 of this Section, and which, in the judgment of the Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- A. Reject. Reject the wastes.
- B. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers,
- C. Control. Require control over the quantities and rates of discharge, and/or
- D. Payment. Require payment to cover the added cost of handling and treating the waste. If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and subject to the requirements of all applicable codes, ordinances, and laws.

6. *Interceptions.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. *Preliminary Treatment; Maintenance.* Where preliminary treatment or flow-

equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

8. *Manhole; Monitoring Reports.* When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him as to be safe and accessible at all times.

All Industrial users shall submit their monthly monitoring report forms for the preceding month to the Water Pollution Control Facility's Environmental Compliance Officer at 40 Tillson Avenue, Rockland, Maine 04841, in accordance with the City's reporting requirement with the Maine DEP.

9. *Waste Analysis Standards.* All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with 40 CFR Part 136, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas the pH shall be determined from periodic grab samples.)

10. *Special Arrangements.* No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Rockland and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Rockland for treatment, subject to payment therefore, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any User Charge.

If it is suspected that an industrial waste stream or constituent may be detrimental to the treatment works and its collection system or causing the City to violate any term or condition of the MEPDES or DEP Permit, the City will retain an independent consultant. If it is determined that the industrial waste stream is disrupting the treatment works, the expense involved shall be directly borne by that industry. All detrimental constituents shall be removed or limitations lowered in order to eliminate the disruption associated with the waste.

11. *Charges for Industrial Waste Treatment.*

- A. Charges for the treatment of industrial waste shall be based on operation and maintenance costs of the Water Pollution Control Facility. The monthly billing shall be computed according to the most recent formula and cost per unit as approved by the Charges and Fees Order of the Rockland City Council, including the minimum charge.
- B. Surcharges. The user charges for discharge of industrial wastewater/pollutants shall be levied by the Director under a three-tiered system, in accordance with the most

recent formula(s) and unit cost(s) as approved by the Charges and Fees Order of the Rockland City Council.

- (1) The lowest tier user charges shall be in accordance with the terms of Section 14-408(11)(A) (Local Discharge Restrictions) above and shall be on the individual industrial user's discharge permit limit(s) established by the Director.
- (2) At the discretion of the Director, a second tier of user charges may be allocated to an individual industrial user as a surcharge over the specific discharge limit(s) stipulated in the individual's wastewater discharge permit. The ability to assess a surcharge shall be based on an analysis of the POTW's reserve capacity for treating the subject pollutant(s) as described in this Sewer Use Ordinance. The allocation of reserve capacity for the purpose of levying a pollutant surcharge shall be at the sole discretion of the Director, who shall also reserve the right to modify or revoke the surcharge allocation, as necessary.
- (3) The third tier of user charges shall be defined as penalties and/or violation costs, assessed in accordance with Section 14-419 (Enforcement and Penalties) and Section 14-420 (Recovery of Expenses and Costs) of this Sewer Use Ordinance, the latest revision of the City of Rockland Enforcement Response Plan, and/or approved by the Charges and Fees Order of the Rockland City Council. Penalties and/or violation cost recovery, as stipulated, shall be assessed for individual violations of discharge permit limits, or in the case where the Director has allocated an additional surcharge over permit limit(s), the penalty(ies) shall be assessed for pollutant(s) discharged above surcharge allocation(s).

12. *Charges for Commercial and Residential Users.*

- A. Domestic Wastewater treatment/user charge shall be calculated as approved by the Charges and Fees Order of the Rockland City Council.
- B. The operation and maintenance charges for commercial and residential units shall be calculated as approved by the Charges and Fees Order of the Rockland City Council
- C. *Minimum Operation and Maintenance Charge.* Minimum operation and maintenance charges shall be in conjunction with the rates established as approved by the Charges and Fees Order of the Rockland City Council.
- D. *Multi-Family; Commercial.* The charge for multiple family residential units and commercial establishments shall be calculated based on the definition of equivalent use as approved by the Charges and Fees Order of the Rockland City Council based on the actual water usage as recorded by the Consumers Maine Water Company. Multiple family residential units and commercial establishments not connected to a sewer or drain of the City of Rockland shall not be charged any user fees or readiness-to-serve charges only if it has been determined by the City that public sewers are not available to the property.
- E. *Residential; Minimum Charge.* Minimum charge for residential units shall be calculated based on the definition of equivalent use as approved by the Charges and Fees Order of the Rockland City Council. Residential units not connected to a sewer or drain of the City of Rockland shall not be charged any user fees or readiness-to-serve charges only if it has been determined by the City that public sewers are not

available to the property.

- F. *Commercial; Minimum Charge.* Minimum charge for commercial establishments shall be calculated based on the definition of equivalent use as approved by the Charges and Fees Order of the Rockland City Council. Commercial establishments not connected to a sewer or drain of the City of Rockland shall not be charged any user fees or readiness-to-serve charges only if it has been determined by the City that public sewers are not available to the property.. Special rates for large volume users, such as laundry establishments, may be approved by the Rockland City Council.
- G. *Septic Tank Waste.* Rates for the discharge of septic tank wastes (i.e., septage) into the Rockland Water Pollution Control Facility shall be established by the Charges and Fees Order on at least an annual basis by the Rockland City Council.
- H. *Swimming Pool Water.* The Rockland Water Pollution Control Facility reserves the right to approve or reject, on a case-by-case basis, discharge to the Facility of water from a swimming pool, whether chlorinated or otherwise. This shall apply to both residential and commercial users.

13. *Council Action on Rates and Charges.* The Rockland City Council shall establish by the Charges and Fees –Order on at least an annual basis, rates for charges as defined in subsections 10, 11 and 12 of this Section and interest charges on delinquent accounts.

14. *Assessment.* Operation and maintenance charges will be assessed all persons, users, firms and corporations whether public, private or municipal on a quarterly basis for residential and non-profit sewer users and on a monthly basis for commercial and industrial sewer users.

15. *Inflow and Infiltration.* All additional flows by industry and/or commercial/domestic users of four (4) or more units either public or private, shall, prior to connection to the Rockland Water Pollution Control Facility or appurtenances, indemnify the City of Rockland for the cost to remove an amount of inflow or infiltration equal to twice the specified waste water flow from the proposed development. Any on-site improvements that reduce the flow runoff shall be deemed as removal credits. The Director or designated representative shall review and approve all requests based on current engineering documents and/or Department of Health flow standards. The one time development charge shall be as approved by the Charges and Fees Order of the Rockland City Council. These funds shall be reserved for direct sewer rehabilitation and separation and/or repairs to the Lindsey Brook groundwater drainage system.

16. *Reserve Capacity Charges.* Reserve capacity charges shall apply to any user that meets one of the following definitions:

- A. A user that has requested the Rockland WPCF to reserve treatment capacity for projected flow of a certain magnitude, including applicants for new sewer connection permits to connect to a public sewer;
- B. A user that has requested the Rockland WPCF to reserve treatment capacity for a future flow, the magnitude of which is not yet projected or estimated;
- C. A user that previously requested the Rockland WPCF to reserve treatment capacity of a certain magnitude but is discharging less than that magnitude to the WPCF.

The WPCF reserves the right to develop an initial Reserve Capacity Capital Charge and assess this Reserve Capacity Capital Charge to a user, in order for the WPCF to recover the costs of capital investments necessary to provide that user with treatment capacity. The WPCF shall also assess a monthly charge to maintain that reserve treatment capacity for that user. This monthly

Reserve Capacity Maintenance Charge shall be at least equal to the Minimum Charge as defined in paragraph 11 for industrial users and paragraphs 12(E) and (F) for residential and commercial users.

*17. Billing adjustments for water use.* Based on a customer's water usage, water may be metered but not discharged directly or indirectly to the City of Rockland's collection system. Upon completing a formal application with the WPCF, the customer may request an adjustment to the sewer bill based on water that was metered but did not directly or indirectly discharge to the collection system. The amount claimed must be in excess of 125% of the customer's normal average use in a like quarter. The method of measurement must be approved by the WPCF.

18. Other Fee Adjustments. In the event an error in any other fee, surcharge, or other assessment is discovered, the Director may correct the error for a period not exceed up to one year, including billing the user for an additional amount owed, or remitting to the user an amount that was overpaid.

Sponsor: Councilor Geiger  
Originator: Councilor Geiger

**MEMORANDUM**

To: Terry Pinto  
From: City Attorney  
Date: 09/26/16  
Re: Draft Amendments to Chapter 14

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The following is an outline of the proposed amendments to the Sewer Ordinance, contained in Chapter 14 of the Rockland Code, Articles II, III, and IV. If preferable, the Sewer Ordinance could be recodified as Chapter 20, to separate its provisions from the Solid Waste Ordinance, which is Article I in Chapter 14.

Generally, it is the intent of these revisions to:

- \* organize the three Articles so that they largely address distinct issues;
- \* Article I is to address the requirement for water closets in houses and other structures, and impose penalties for violation of the same;
- \* Article II addresses the construction of public sewers and the assessment of the cost of the same on users to be served by the public sewers;
- \* Article III addresses requirements for connecting to public sewers, discharge limitations, and industrial user permitting and pretreatment requirements;
- \* Article III also gives the City authority to manage the construction of private building sewers between the public sewer and property line, and establishes a flat fee (to be set by Order of the City Council) to cover the cost of most private laterals (up to 30 feet for 6 inch lines);

Specifically, the revisions are as follows:

**ARTICLE II**

- \* miscellaneous corrections, including the clarification that some property owners continue to use private wastewater disposal;

**ARTICLE III**

- \* Sec. 14-303: delete reference to a “sewer entrance fee.” There is no such fee in the Council’s fee order, and the fees for new users consist of the street opening and sewer permits, reserve capacity charge, and construction charge;
- \* Sec. 14-308: delete, because it is redundant of Sec. 14-307 (renumbered to 14-305);
- \* Sec. 14-306, Sec. 14-310 – 14-315: delete, because connections to public sewers are addressed in Article IV. You stated that when Article IV was adopted, you intended that it would replace

Articles II and III; however, that was not done and, in any event, they contain some provisions not contained in Article IV;

- \* Sec. 14-316: delete – this is addressed in the Street Opening Ordinance;

#### ARTICLE IV

- \* Sec. 14-401: in definition of “Charges and Fees Order,” add limitation of one year to fees adjustments;
- \* Sec. 14-402: add heading to describe the focus of Subsections 1 – 3 – “Unlawful Disposal of Sanitary or Solid Waste;”
- \* Sec. 14-402(4): add mandate that new users pay the Reserve Capacity Charge; delete outdated 90 day grace period; clarify that the Reserve Capacity Charge may be reduced up to the amount paid by the owner and former owner for minimum charges while public sewer was available; add limitation to connecting to a private, common sewer to submittal of acceptable agreement outlining users’ rights and responsibilities, and giving the City enforcement authority;
- \* Sec. 14-403: move and renumber, from former Sec. 14-404;
- \* Sec. 14-403(1): add Director’s authority to allow exceptions from requirement of one building sewer per building, if a street opening will unreasonably disrupt the street, and expand the available exceptions;
- \* Sec. 14-403(2): add requirement of a back-flow preventer if building drain is located such that it requires a lift to access the gravity-flow public sewer;
- \* Sec. 14-403(5): clarify that an application for a Sewer Connection Permit is a request that future capacity be reserved for that property;
- \* Sec. 14-403(9): add provisions for the City to manage the construction of building sewers between the main and property line, and the connection to the public sewer; property owner remains responsible for the cost of same, and for construction of the building sewer from the building to the property line; clarifies that property owner is responsible for maintaining the entire line after it is installed;
- \* Sec. 14-403(10): establishes a Building Sewer Construction Charge, representing the cost to the property line for the building sewer and its connection within the right-of-way, for a 6 inch sewer up to 30 feet; above 30 feet, property owner pays actual cost of the City’s contractor, and for the cost between the building and the property line;
- \* Sec. 14-403(14): adds a general statement requiring property owners to comply with applicable laws and regulations viz. the disposal of waste into the public sewers;
- \* Sec. 14-408(16)(A): clarifies that the Reserve Capacity Charge applies to applicants for new sewer connection permits;
- \* Sec. 14-408(18): restates the limitation of fees adjustments to one year.

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

October 12, 2016

**ORDINANCE AMENDMENT: LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE OF 2016; AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM IN THE CITY OF ROCKLAND, KNOX COUNTY, MAINE.**

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** This Ordinance shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance.”

**Section 2.** Definitions. As used in this ordinance:

(a) “Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.

(b) “Home consumption” means consumed within a private home.

(c) “Local Foods” means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm- and home-based sales or buying clubs, at farmers markets, roadside stands, fundraisers or at community social events.

(d) “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.

(e) “Producer” means any farmer or gardener who grows any plant or animal for food or drink.

(f) “Community social event” means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market and other public events.

**Section 3.** Preamble and Purpose. We the People of Rockland, Knox County, Maine have the right to grow, produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of our local food economy, family farms and food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the City of Rockland. We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute an usurpation of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the

environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.

The purpose of the Local Food and Community Self-Governance Ordinance is to:

- (i) Provide citizens with unimpeded access to local food;
- (ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
- (iii) Protect access to farmers' markets, roadside stands, farm based sales and direct producer to patron sales;
- (iv) Support the economic viability of local food producers and processors;
- (v) Support and promote small-scale, local and backyard farming;
- (vi) Preserve community social events where local foods are served or sold;
- (vii) Preserve local knowledge and traditional foodways.

**Section 4. Authority.** This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the City of Rockland to self-government, and under the authority recognized as belonging to the people of the City by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I, § 2 of the Maine Constitution, which declares: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the City of Rockland.

§1-A of Title 7 of the Maine Revised Statutes which states: "The survival of the family farm is of special concern to the people of the State, and the ability of the family farm to prosper, while producing an abundance of high quality food and fiber, deserves a place of high priority in the determination of public policy."

§ 1-B of Title 7 of the Maine Revised Statutes which states: "...The preservation of rural life and values in the State {is} the joint responsibility of all public agencies, local, state and federal, whose policies and programs substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation of programs that assist in the maintenance of family farms{...}, and improve health and nutrition. The state agencies in addition to the department include, but are not limited to, the Department of Education, Department of Health and Human Services, Department of Labor and the Department of Agriculture, Conservation and Forestry.

§201-A of Title 7-A of the Maine Revised Statutes which states: “It is the policy of the State to encourage food self-sufficiency for its citizens. The department (Department of Agriculture, Conservation and Forestry) shall support policies that:

1. Local Control. Through local control preserve the abilities of communities to produce, process, sell, purchase, and consume locally produced foods.

2. Improved Health and Well-Being. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing;

3. Self-reliance and personal responsibility. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise and sell foods directly to customers intended solely for consumption by the customers or their families.

## **Section 5. Statements of Law.**

**Section 5.1. Licensure/Inspection Exemption.** Producers or processors of local foods in the City of Rockland are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers’ markets or roadside stands; sells his or her products through farm- or home-based sales directly to a patron; or delivers his or her products directly to patrons.

**Section 5.1.a. Licensure/Inspection Exemption.** Producers or processors of local foods in the City of Rockland are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

**Section 5.2. Right to Access and Produce Food.** Rockland citizens possess the right to save and exchange seed; grow, produce, process, sell, purchase, and consume local foods of their choosing.

**Section 5.3. Right to Self-Governance.** All citizens of Rockland possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people’s authority and consent.

**Section 5.4. Right to Enforce.** Rockland citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

**Section 6. Statement of Law. Implementation.** The following restrictions and provisions serve to implement the preceding statements of law.

**Section 6.1. State and Federal Law.** It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term “corporation” shall mean any business entity organized under the laws of any state or country.

**Section 6.2.** Patron Liability Protection. Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

**Section 7.** Civil Enforcement. The City of Rockland may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the City of Rockland shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

**Section 8.** City Action against Pre-emption. The foundation for making and adoption of this law is the peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the City to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government.

**Section 9.** Effect. This Ordinance shall be effective immediately upon its enactment.

**Section 10.** Severability Clause. To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

**Section 11.** Repealer. All inconsistent provisions of prior Ordinances adopted by the City of Rockland are hereby repealed, but only to the extent necessary to remedy the inconsistency.

**Section 12.** Human Rights and Constitutionality. Nothing in this ordinance shall be construed as authorizing any activities or actions that violate human rights protected by the U.S. Constitution or the Constitution of the State of Maine.

Sponsor: Councilor Geiger  
Originator: Councilor Geiger

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #34

IN CITY COUNCIL

October 12, 2016

ORDINANCE AMENDMENT Establishing Vacant Property Registry

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 4, Buildings, Inspections & Enforcement, BE AMENDED AS FOLLOWS:

ADD:

ARTICLE VIII Vacant Property Registry

Sec. 4-801 Findings; Purpose

1. Findings. The City of Rockland is burdened by the presence of many vacant or abandoned buildings that are not properly maintained and that pose a threat to the public health, safety, and welfare. Vacant or abandoned buildings often quickly become – due to lack of occupancy and maintenance – unsightly, unsecured, structurally unsound, and/or otherwise dangerous. The owners or other parties responsible for vacant and abandoned buildings are often difficult or impossible to locate, notwithstanding the investment of City staff time and resources to locate them. Vacant or abandoned buildings are often the subject of foreclosure actions by lien holders, which proceedings increasingly take a considerable period of time to litigate. Even when concluded in the form of a judgment, the status of foreclosed properties often remains in limbo until market conditions prompt the conduct of the foreclosure auction that finally resolves title to the properties.

As a result, the presence of vacant structures creates pockets of blight in the City, attracts criminal activity, depreciates the value of neighboring homes and commercial structures, discourages investment in and the rehabilitation and revitalization of neighboring buildings, and prevents neighborhood stabilization. Thus, vacant buildings, and particularly vacant buildings in residential areas, create and pose significant and costly problems for the City and the public, and often become a drain on the City budget and detract from the quality of life in neighborhoods and in the City as a whole.

In contrast, certain categories of vacant buildings – such as those owned by seasonal residents or deployed members of the United States armed forces – are less likely to be poorly maintained or to become a burden on neighborhoods or municipal resources.

2. Purpose. The purpose of this Article is to provide a just, equitable, and practicable method for identifying, responding to, and limiting the impact of the numerous potentially deleterious impacts associated with vacant buildings in Rockland. By establishing its Vacant Building Registry, the City seeks to prevent or mitigate the aforementioned risks to the community and to the public health, safety, and welfare generally; to promote responsible maintenance of

vacant structures by providing easy and prompt communication between owners and other responsible parties and municipal officials such as code enforcement and public safety personnel, particularly in the event of emergencies; and to help expedite necessary repairs and code compliance.

#### **Sec. 4-802 Definitions**

For the purpose of implementing this Article, the following terms, phrases, and words and their derivations shall have the stated meanings. Terms, phrases, and words not defined in this Article shall have the meanings assigned to them elsewhere in this chapter or in Chapter 19, or in the absence of such definition their ordinary and customary meaning.

*Owner.* Any person, agent, firm, corporation, or other legal entity having a legal or equitable interest in a vacant building, as herein defined, including without limitation, any title holder, mortgagee in possession, trustee or beneficiary of a trust, or holder of a life estate.

*Property Manager.* A person, agent, firm, corporation, or other legal entity having a residence or place of business in Knox County who is responsible, either legally, contractually or otherwise, for securing, inspecting, maintaining, and/or repairing a vacant building.

*Vacant Building.* Any building or other structure that is unoccupied by an authorized person, or occupied by an unauthorized person, for ninety (90) or more days, except permitted garages or accessory buildings.

#### **Sec. 4-803 Applicability**

The provisions of this Article shall apply to Vacant Buildings in the City of Rockland except vacant buildings in the Industrial and Waterfront Zones. Notwithstanding anything to the contrary herein, this Article shall not apply to the primary residences of members of one of the United States' armed forces who are on active duty; to vacation or resort facilities; or to the residences of persons on extended vacations or with alternative living arrangements who have a present, reasonable intention to return to and live in their residence; provided, however that the owners of vacant buildings that are excepted from this Article nonetheless are required to cause their properties to be maintained by a Property Manager and to provide the City of Rockland with a valid and current emergency contact information for both the Owners and Property Managers of the excepted vacant buildings.

#### **Sec. 4-804 Registry Established; Registration Required**

1. There is hereby established a Vacant Building Registry in the City of Rockland, which Registry shall include the address and emergency contact information for one or more owners of such vacant buildings.

2. All owners of a vacant building are required to cause the registration of their vacant building with the City of Rockland, by applying for and obtaining a Vacant Building Registration Permit from the Code Enforcement Officer. When a building or structure becomes vacant, the

owner of the building or structure must apply for, on a form provided by the Code Enforcement Officer, and obtain a Vacant Building Registration Permit and pay, as may applicable, the fee therefor established by Order of the Rockland City Council, within 60 days of the building becoming vacant.

#### **Sec. 4-805 Permit Application**

1. Application by the owner of a vacant building or structure for a vacant building registration permit must be made on a form provided by the Code Enforcement Office. Applicants must disclose all measures to be taken to ensure that the building will be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in exigent circumstances or emergencies, and free from nuisances and in good order in conformance with vacant building maintenance standards herein, the Property Maintenance Code, and other codes adopted by the City of Rockland (collectively, the “Vacant Building Maintenance Standards”).

2. The application shall include:

A. The period of the expected period of vacancy (including specific or approximate dates);

B. Applicant’s plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection;

C. Applicant’s plan and timeline for the lawful occupancy, rehabilitation, or removal or demolition of the structure;

D. A list of persons authorized to be present in the building, along with a statement that any persons not listed shall be considered trespassers. The owner shall update the authorized person list as needed; and

E. Contact information, including at least the following:

(1) The name, street address, telephone number, and email address of a designated individual designated by the owner or owners of the vacant building as their authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Code regarding the vacant building;

(2) The name of at least one property manager responsible for management and maintenance of the property, along with their 24 hour a day contact information;

(3) The name of any bank/lender/lien holder with an interest in the property and their contact information, including the mailing address of the bank/lender/lien holder; and

(4) If any contact information required under this subsection changes or becomes out-of-date, the owner must notify Code Enforcement Office in writing within 30 days of such change.

3. A fee established by Order of the City Council, if any, calculated to pay for the cost of all materials, staff time, and other expenses of the City related to administering and enforcing this Article shall be charged for a vacant building registration permit or interim permit. This or another fee shall also be charged upon the renewal of such permits. The fee must be paid at the time of application or renewal, and no permit shall be issued prior to receipt of payment of the permit or renewal fee. If an owner has secured all the duly required permits to demolish the building or structure, no fee is required if the building or structure is in fact demolished within 90 days of becoming vacant; should this 90 day period expire, the fee becomes due immediately.

#### **Sec. 4-806 Inspection**

1. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Code Enforcement Officer or her designee. The purpose of such inspections is to determine and ensure compliance with vacant building maintenance standards. The Code Enforcement Officer may be accompanied during the inspection by such other government officials as is deemed prudent to ensure compliance with applicable standards, including but not limited to police and fire officials.

2. If the Code Enforcement Officer has reason to believe that an emergency or imminent danger exists tending to create an immediate danger to the health, welfare, or safety of the general public, Code Office, Police, and/or Fire & EMS Department officials have the authority to enter and inspect the vacant building and premises upon which it stands without providing prior notice or obtaining an administrative warrant for such entry and inspection.

#### **Sec. 4-807 Vacant Building Registration Permits**

##### 1. *Standard Vacant Building Registration Permit.*

A. The Code Enforcement Office shall issue a standard vacant building registration permit if the Code Enforcement Officer has determined, after inspecting the vacant building, that it is in compliance with the Vacant Building Maintenance Standards set forth in this article, and is adequately protected from intrusion by trespassers and from deterioration by the weather.

B. A standard vacant building registration permit shall be valid for six months from the date of issuance.

##### 2. *Interim Vacant Building Registration Permit.*

A. If, upon application and inspection, the Code Enforcement Officer determines that a vacant building does not meet one or more of the Vacant Building Maintenance Standards, the Code Enforcement Officer shall issue an order for any work

needed to:

(1) Adequately protect the building from intrusion by trespassers and from deterioration by weather by bringing it into compliance with the Vacant Building Maintenance Standards; and

(2) Ensure that allowing the building to remain vacant will not be detrimental to the public health, safety and welfare; will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood; and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.

B. When issuing orders under subsection 2, the Code Enforcement Officer shall specify the date by which completion of the work shall be required. The order will act as an interim vacant building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than ninety (90) days.

C. All work performed pursuant to this Article must be performed in compliance with the applicable building, fire prevention, life safety, and zoning codes.

3. Notice. After the vacant building registration permit is issued, the Owner or Property Manager shall cause a placard provided by the Code Enforcement Officer to be posted on the property stating at least the name, address, and phone number of the Owner and, when applicable, the Property Manager, and the telephone number at which the responsible Owner and/or Property Manager may be contacted, 24 hours a day.

4. Expiration. Upon the expiration of a vacant building registration permit, if the building or structure is still vacant, the owner must arrange for an inspection of the building and premises with the appropriate code enforcement, police and fire officials, and renew the permit within ten (10) days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this ordinance and any previous permits unless expressly exempted therefrom.

5. Non-Compliance. In the event the Owner fails to bring the vacant building into compliance with the Vacant Building Maintenance Standards pursuant to and within the time period stated in an order issued by the Code Enforcement Officer pursuant to this section, the City may cause such repairs as may be determined necessary pursuant to Section 109 of the Property Maintenance Code, and the Treasurer shall seek reimbursement of all costs incurred by the City therefor.

#### **Sec. 4-808 Vacant Building Maintenance Standards**

Owners of a vacant building must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following

standards:

1. *Building openings.* Doors, windows, areaways and other openings must be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid transparent materials which are weather protected and tightly fitted and secured to the opening; provided, however, that temporary coverings placed to secure the building must be replaced with doors or windows, as applicable, within thirty (30) days;

2. *Roofs.* The roof and flashings shall be sound and tight, admit no moisture and have no defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building;

3. *Drainage.* The building storm drainage system shall be functional and Installed in an approved manner, and allow discharge in an approved manner;

4. *Building Structure and Sanitation.* The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage, including but not limited to any combustible waste and refuse. The building shall be sanitary. The building shall not pose a threat to the public health and safety;

5. *Structural Members.* The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads;

6. *Foundation Walls.* The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and animal and rat-proof;

7. *Exterior Walls.* The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment;

8. *Decorative Features.* The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment;

9. *Overhanging Extensions.* All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment;

10. *Chimneys and Towers.* Chimneys, cooling towers, smokestacks, and similar

appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment;

11. *Walkways.* Walkways shall be safe for pedestrian travel;

12. *Accessory and Appurtenant Structures.* Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards;

13. *Premises.* The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety;

14. *Winterization.* Interior plumbing fixtures, water lines, and hot water and steam radiators and pipes shall be drained and winterized no later than October 15 where the Owner does not intend, or does not have the financial capacity, to heat the building for the entire heating season; and

15. *Code Compliance.* The owner of a vacant building or structure must comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and must apply for any building, fire prevention, and zoning permits necessary to perform work required by this Article.

#### **Sec. 4-809 Enforcement; Penalties**

Any person who is found to be in violation of any provision or requirement of this ordinance shall be subject to a civil penalty and such other and further remedies as are made available to the City pursuant to Title 30-A, Maine Revised Statutes, Section 4452. Each violation of a separate provision or requirement, and each day of violation, shall constitute a separate offense.

Sponsor: Councilor Geiger  
Originator: Councilor Geiger

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

October 12, 2016

**ORDINANCE AMENDMENT Dogs Prohibited – Sandy Beach**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 3, Animal and Fowl, SECTION 3-203 Dogs Shall Be Under Restraint While on Any Public Way or Place, BE AMENDED AS FOLLOWS:**

**Sec. 3-203 Dogs Shall Be Under Restraint While on Any Public Way or Place**

3. Prohibited in Certain City Parks. ~~Dogs shall be prohibited from the following City parks from May 1 through October 1 of each year:~~

A. Dogs shall be prohibited from the following City parks from May 1 through October 1 of each year:

a. Johnson Memorial Park, except for the area of the boat-launch ramp and dock

~~b. Sandy Beach~~

~~e b.~~ Merritt Park Playground

~~d c.~~ Ocean Street Playground

~~e d.~~ Warren Street Playground

B. Dogs shall be prohibited from the following City parks from Memorial Day through Labor Day of each year:

a. Sandy Beach (Beach Area Only).

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

**CITY OF ROCKLAND, MAINE**

**ORDER #62**

**IN CITY COUNCIL**

October 12, 2016

**ORDER** Use of City Property – Holiday Season

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

**THAT** Rockland Main Street, Inc. is hereby authorized to utilize City properties and rights of way to mark the beginning of the 2016 Holiday Season, in substantial compliance with the schedule outlined in the letter from Rockland Main Street, Inc., attached hereto, as follows:

- Week of 14 November – Volunteers Build Lobster Trap Tree & Hang Christmas Wreathes
- Week of 21 November – Volunteers Install & Decorate Santa’s workshop at Mildred Merrill Park
- 24 November – Thanksgiving Day Holiday
- 25 November – Noon - Santa arrives at Middle Pier via U.S. Coast Guard vessel
- 25 November – 12:30 PM - Santa & the Mayor officiate at an Official Ribbon Cutting on Main Street with Rockland Main Street, Inc., and the Chamber of Commerce, to Open the Holiday Shopping Season
- 25 November – 5:00 PM - Special Downtown Art Walk Event
- 25 November – 6:00 PM - Official Lighting of the Lobster Trap Tree with Santa & the Mayor
- 26 November – All Day - Shop Small/Shop Local Saturday & Free Horse Drawn Wagon Rides
- 26 November – 6:00 PM - Festival of Lights Parade & Storefront Decoration Judging by Council Members
- 27 November – 8:30 AM - Breakfast with Santa at Eclipse Restaurant

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

Sponsor: City Council

Originator: Rockland Main Street, Inc.



# Rockland Main Street, Inc.

29 September 2016



Rockland City Council  
c/o Stuart Sylvester, City Clerk  
270 Pleasant Street  
Rockland, ME 04841

Dear Mayor and members of City Council:

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

It has also been tradition for Rockland Main Street, inc., to organize an after-dark parade that features dozens of lighted floats that will traverse the downtown district before coming to rest on Main Street. The parade activity includes the closure of Main Street for a few hours, from approximately 5:00 PM through 8:00 PM, during which hundreds of families from all over the midcoast region attend and spend time in the downtown shopping district.

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

- Week of 14 November – Volunteers Build Lobster Trap Tree & Hang Christmas Wreathes
- Week of 21 November – Volunteers Install & Decorate Santa's workshop at Mildred Merrill Park
- 24 November – Thanksgiving Day Holiday
- 25 November – Noon - Santa arrives at Middle Pier via U.S. Coast Guard vessel
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- 26 November – 6:00 PM - Festival of Lights Parade & Storefront Decoration Judging by Council Members
- 27 November – 8:30 AM - Breakfast with Santa at Eclipse Restaurant

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

I will make myself available to answer any questions you may have. Thank you for your consideration.

Best personal regards,

Gordon Page, Sr.  
Executive Director

**Rockland Main Street, Inc.**

"Working to Keep Downtown the Heart of the Community Since 2009"

PO Box 402, Rockland Maine 04841

Located at 417 Main Street # 203 ~ 207.593.6093 ~ [rocklanddowntown@gmail.com](mailto:rocklanddowntown@gmail.com)

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