

**REGULAR MEETING**

**AGENDA**

**March 14, 2016**

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum of not more than 30 minutes (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
  - a. City Manager's Report
  - b. City Attorney's Report
  - c. Other Official's Report
  - d. Mayor's Report
7. Licenses and Permits:
  - a. Liquor & Entertainment Licenses – Park Street Grille (Postponed 2/8/16)
  - b. Liquor License – 3 Crow
  - c. Liquor License – Clan MacLaren
  - d. Liquor & Entertainment License – Sandbaggers Café
  - e. Liquor License – Roselyn Thai Fine Cuisine
  - f. Liquor & Entertainment Licenses – Trackside Station Restaurant
  - g. Liquor License – Home Kitchen Café
  - h. Liquor & Entertainment Licenses – The Landings
  - i. Liquor & Entertainment Licenses – 250 Main Hotel
  - j. Lodging House License – Ripples Inn at the Harbor
8. Resolves:

#13 Accepting Donation – Adas Yoshuron Synagogue	City Council
#14 Accepting Donations – Library	City Council
#15 Commendation – D. Overlock	City Council
#16 Appointments – Election Clerks	City Council
9. Ordinances in Final Reading and Public Hearing:

#41 Chapter 11, Section 210 Short-Term Rental (Postponed 1/11/16)	City Council
#42 Chapter 19, Article III Short-Term Rental (Postponed 1/11/16)	City Council
10. Ordinances in First Reading:

# 2 Quit Claim Deed – Sale of 224 Old County Rd (Postponed 2/8/16)	Councilor Pritchett
# 3 Zoning Map Amendment – TB2 to C1 – Belvedere/Pleasant	Councilor Clayton
# 4 Chapter 19, Section 19-302 Definitions – Educational Institutions	Mayor MacLellan-Ruf
# 5 Chapter 19, Article III Automobile Repair Shops	Councilor Clayton
11. Orders:

# 5 Routine Data Reporting – Short-Term Rentals (Postponed 1/11/16)	Councilor Pritchett
#11 Adopting Employee Handbook	City Manager
#12 Authorizing Repairs – Tolman Cemetery	City Manager
#13 Authorizing FY 15 Budget Adjustments	City Manager
#14 Authorizing FY 15 Grant Account Adjustments	City Manager
#15 Calling Special Election & Setting Polling Times (6/14/16)	City Council
12. Adjournment.

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

Name of Applicant John Bowden Phone 207-594-4944

Address of Applicant ~~279 Main St, STE #7~~ P.O. Box 107  
Rockland, ME 04841

Name of Business Park Street Grille Phone 207-594-4944

Address of Business 279 Main Street, STE #7  
Rockland, ME 04841

Name of Property Owner (if different) Frank Ferriolo

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

Type of Business Restaurant

Expiration of Current License 02/25/2016

Fee(s) Paid \$300.00 Date 01/22/2016

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 \_\_\_\_\_

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

Approved  Inspected; See Report Code Officer 1/28/16 Date

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

Approved  Inspected; See Report Police Chief 1/26/16 Date

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

Postponed 2/8/16 to 3/14/16

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

Name of Applicant 3Crow, LLC Phone 593-0812

Address of Applicant 449 Main Street  
Rockland, ME 04841

Name of Business 3Crow Phone 593-0812

Address of Business 449 Main Street  
Rockland, ME 04841

Name of Property Owner (if different) 449 Main Street, LLC

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

Type of Business Restaurant and bar

Expiration of Current License 3/19/16

Fee(s) Paid \$150.00 Date 2/25/16

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 Tamara BAO Date 2/25/16

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

Wm Butcher Code Officer 3/7/16 Date  
 Approved  Inspected; See Report

Ann Munn Fire Inspector 3/7/16 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 3/7/16 Date

[Signature] City Clerk 3/9/16 Date

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

Name of Applicant Glenn Lawrence Phone 207-5966277

Address of Applicant 20 Rosehill Ave  
Owls Head ME 04854

Name of Business Clan MacLaren Phone 593-7778

Address of Business 395 Main St.  
Rockland ME 04841

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

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

Type of Business Soap + Sandwich Shop

Expiration of Current License March

Fee(s) Paid \$150.00 Date 2/12/16

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 2/12/16

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

Wm Butler Code Officer 3/7/16 Date  
 Approved  Inspected; See Report

[Signature] Fire Inspector 3/7/16 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 3/8/16 Date

[Signature] City Clerk 3/9/16 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant MARCIA L. FLANAGAN Phone 207-975-3167

Address of Applicant 1 ACADIA DRIVE  
ROCKLAND, MAINE 04841

Name of Business SANDBAGGERS CAFE, LLC. Phone 207-594-9022

Address of Business 606 OLD COUNTY ROAD P.O. BOX 507  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) ROCKLAND GOLF CLUB, INC.

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

Type of Business GOLF CLUB

Expiration of Current License 3/28/2016

Fee(s) Paid \$300.00 Date \_\_\_\_\_

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

Applicant's Signature Marcia L. Flanagan Date 2/22/16

Approved By: \_\_\_\_\_ License # 7494

[Signature] Code Officer 3/11/16 Date  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_

[Signature] Fire Inspector 3/11/16 Date  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_

[Signature] Police Chief 3/8/16 Date

[Signature] City Clerk \_\_\_\_\_ Date

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

Name of Applicant CHAUNCHOM SUNGKAMANE E Phone (201) 596-7348

Address of Applicant 403 BROADWAY ROCKLAN ME 04841

Name of Business ROSELYN THAI FINE CUISINE Phone (201) 596-7348

Address of Business 80 CAMDEN ST  
ROCKLAND ME 04841

Name of Property Owner (if different) -

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

Type of Business RESTAURANT

Expiration of Current License 03/30/2016

Fee(s) Paid \$ 150.00 Date 3/3/16

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 P. mykerson m Date \_\_\_\_\_

Approved By: Wm Butler License # \_\_\_\_\_

Approved  Inspected; See Report Code Officer 3/11/16 Date

[Signature] Fire Inspector 3/11/16 Date

[Signature] Police Chief 3/11/16 Date

[Signature] City Clerk 3/11/16 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant Michael Woods Phone 691-2913

Address of Applicant P.O. Box 946  
Rockland, ME 04841

Name of Business Trackside Station Phone 594-7500

Address of Business 4 Union St.  
Rockland, ME 04841

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

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor

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

Type of Business Restaurant + Lounge

Expiration of Current License 03/30/16

Fee(s) Paid \$300 Date 3/30/16

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 Michael Woods Date 2/2/16

Approved By: Wm Butler License # 9194

Approved  Inspected; See Report Code Officer 3/2/16 Date

Jim [Signature] Approved  Inspected; See Report Fire Inspector 3/7/16 Date

[Signature] Approved  Inspected; See Report Police Chief 3/8/16 Date

[Signature] Approved  Inspected; See Report City Clerk 3/9/16 Date

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

Name of Applicant James Hatch Phone 691 9540

Address of Applicant 125 Limerock ST  
Rockland ME 04841

Name of Business Home kitchen cafe Phone 596 2449

Address of Business 650 main street  
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 Restaurant

Expiration of Current License march 31 2014

Fee(s) Paid \$150.00 Date 2-26-16

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 2-26-16

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

[Signature] Code Officer 3/7/16 Date  
 Approved  Inspected; See Report

[Signature] Fire Inspector 3/7/16 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 3/9/16 Date

[Signature] City Clerk 3/9/16 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant MICHAEL R. MILLER Phone 542-1364

Address of Applicant 27 HIGHLAND STREET  
ROCKLAND, MAINE 04841

Name of Business THE LANDINGS (EAT, INC) Phone 594-3011

Address of Business 1 COMMERCIAL STREET  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) STENTORIAN MANAGEMENT

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor

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

Type of Business RESTAURANT

Expiration of Current License 03/31/2016

Fee(s) Paid \$300.00 Date \_\_\_\_\_

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

Applicant's Signature MICHAEL R. MILLER Date 02/22/16

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

Wm Butley Code Officer 3/7/16 Date  
 Approved  Inspected; See Report

Chris Mro Fire Inspector 3/7/16 Date  
 Approved  Inspected; See Report

Paulo Lantz Police Chief 3/8/16 Date

Scott H. Gault City Clerk 3/9/16 Date

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

Name of Applicant 250 MAIN Street LLC Phone 207-594-5994

Address of Applicant 84 Knox Street  
THOMASTON ME 04861

Name of Business 250 MAIN HOTEL Phone 207-594-5994

Address of Business 250 MAIN Street  
Rockland ME 04841

Name of Property Owner (if different) 250 MAIN Street LLC - Cabot Lyman

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 New

Fee(s) Paid \$ 300 Date 3/11/16

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 Cabot Lyman Date 2/18/16

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

[Signature] Code Officer 3/10/16 Date  
Approved\* \_\_\_\_\_ Inspected; See Report

[Signature] Fire Inspector 3/11/16 Date  
Approved\* \_\_\_\_\_ Inspected; See Report

[Signature] Police Chief 3/8/16 Date

[Signature] City Clerk 3/11/16 Date

\* Pending C of O.

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

Name of Applicant Sandra Dillon Phone 207 594-5771

Address of Applicant 16 Pleasant St.  
Rockland, Me.

Name of Business Ripples - Inn @ the Harbor Phone 207 594-5771

Address of Business Same.

Name of Property Owner (if different) Same

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

Type of Business Bed and Breakfast.

Expiration of Current License \_\_\_\_\_

Fee(s) Paid \$100.00 Date 2/20/16

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 Sandra Dillon Date 2/20/16.

Approved By: Wm Butler License # \_\_\_\_\_

Approved  Inspected; See Report Code Officer 3/7/16 Date

Cathy Mearns Fire Inspector 3/7/16 Date

Bill Butler Police Chief 3/8/16 Date

Shirley Egan City Clerk 3/10/16 Date

**CITY OF ROCKLAND, MAINE**

**RESOLVE #13**

**CITY COUNCIL**

March 14, 2016

**RESOLVE** Accepting Donation – Adas Yoshuron Synagogue

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

**THAT** the City of Rockland gratefully accepts the donation of \$400 from Adas Yoshuron Synagogue to help off set the cost of services provided by the City.

**AND**, be it further Resolved that a letter of thanks be sent to Adas Yoshuron Synagogue in appreciation of its generous donation.

Sponsor: City Council  
Originator: City Council

**CITY OF ROCKLAND, MAINE**

**RESOLVE # 14**

**IN CITY COUNCIL**

March 14, 2016

**RESOLVE** Accepting Donations - Library

**WHEREAS**, the Friends of the Rockland Public Library donated \$1,353.34 to the Rockland Public Library for 129 children's titles, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Catherine Burns, Brooklyn, NY, donated \$50 to the Library in memory of Harold Dondis, to be receipted into the Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

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

**WHEREAS**, the Rockland Public Library Endowment Association donated \$210 to the Rockland Public Library for Tidal Media webhosting, and \$232.85 ~~for~~ Cards for Public Fax Machine, to be receipted into the Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Senior Blanchard, Spruce Head, Maine, donated a small carved wooden sail boat to the Library, valued at approximately \$50; and

**WHEREAS**, Lea Carver, Rockland, Maine, donated a Dominos set to the Library, valued at approximately \$15; and

**WHEREAS**, Mr. & Mrs. John Clark, South Thomaston, Maine, donated an indoor greenhouse to the Library, valued at approximately \$52; and

**WHEREAS**, Downeast Magazine, Rockport, Maine, donated 19 books to the Library, valued at \$436.24, to be added to the Library's collection;

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

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

Sponsor: City Council  
Originator: City Council

**CITY OF ROCKLAND, MAINE**

**RESOLVE #15**

**CITY COUNCIL**

March 14, 2016

**RESOLVE** Commendation – Dawn Overlock

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

**THAT** Dawn Overlock is hereby commended for service above and beyond the call of duty, filling in for the vacant position of Code Enforcement Office Clerk, which includes acting as clerk for the Department of Public Services as well; all the while still fulfilling her duties as Assessor's Clerk. The task was made that much more difficult by the unexpected retirement of the Assistant Code Enforcement Officer, and the long-planned retirement of the City Assessor. Mrs. Overlock not only kept the departments available to the public, managing duties that have been assumed by more than three people, but streamlined administrative systems, improved record retrieval, and maintained top quality customer service for all three departments.

**AND**, be it further Resolved that a Certificate of Commendation be presented to Mrs. Overlock as a token of the City's appreciation for her outstanding service to the City in undertaking these additional responsibilities and performing those functions admirably.

Sponsor: City Council  
Originator: City Council

# MEMORANDUM

To: Mayor MacLellan-Ruf and City Councilors  
From: James D Chaousis II, City Manager  
John Root, Code Enforcement Officer  
Doreen French, City Assessor  
Date: March 4, 2016  
Re: Commendation- Dawn Overlock

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I have requested that the Rockland City Council recognize Dawn Overlock for her efforts to the City during a challenging time in the Code Enforcement and Assessing Offices. Please let me explain the importance of recognizing her efforts.

Dawn Overlock has served on the administrative staff since 1993, she has been assigned to the Assessing Department as the Assessing clerk for many of those years. Recently the Code Enforcement Office and Assessing offices were left short staffed through turnover in both departments. Dawn kept both departments available to the public managing duties that would have been assumed by more than three people. She never shirked the added pressure and workload but assumed the role very pragmatically. Her humble and modest approach overshadowed the size of the task.

Dawn Overlock continually answers the call to duty when there is additional workload. She has streamlined administrative systems, improved record retrieval, and maintained top quality customer service. Usually this is without much recognition because she does it so well.

**As reported by John Root:**

A number of months ago, Dave Kalloch unexpectedly retired for health reasons. This left the Code Office without a key player in the everyday operations of the Code Office. The remaining Code Officer looked to Dawn Overlock to help fill the void left with Dave's departure. Shortly thereafter, the Code Clerk decided to pursue a new career. This left one Code Officer, no office help and double duty for the remaining Code Officer. Dawn Overlock stepped up as she always does and tended to the everyday needs of the Code Office while still fulfilling her duties as Assessing Clerk and Public Services Clerk.

The long planned retirement of the City Assessor Dennis Reed, left Dawn in the unenviable position of handling not only a lion's share of Code Office Duties and Public Services duties, but with the full responsibility for the Assessing Office as well, until the new Assessor started work.

There are few workers who could have undertaken the ominous task of essentially running both the Code and Assessing Offices at the same time. Dawn not only did so, but she did it superbly. She made herself available whenever needed and got the jobs done. Dawn's dedication and work ethic is beyond compare. Thankfully, we now have a new Assistant Code Officer as well as a new Assessor. But true to her nature, Dawn continues to assist the new employees, while still acting as the principal Code Clerk and Assessing Clerk.

Thank you Dawn Overlock for many years of outstanding service to the City and especially for your tireless work over the past few months. You are one of a kind.

**CITY OF ROCKLAND, MAINE**

**RESOLVE #16**

**CITY COUNCIL**

March 14, 2016

**RESOLVE** Appointment of Election Clerks

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

**THAT** pursuant to 21-A M.R.S. §503 of the Maine Revised Statutes, the following persons are hereby appointed as Election Clerks for the City of Rockland, and shall serve a term of 2 years:

**Republican**

Martha Bouchard  
Mike Ferland  
Wayne Gray  
Allen Holmes  
Kingsley Holmes  
James Kalloch

**Democrat**

Carol Bachofner  
William Bachofner  
Laurence Coe  
Jack Dehlinger  
Stephen Young  
Stephen Kirsch

Sponsor: Councilor Clayton  
Originator: City Clerk

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #41  
(As Amended 01/11/16)  
IN CITY COUNCIL

October 14, 2015

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

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

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

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

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

1. Lodging House License.

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

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

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

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

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

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

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

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

2. Short-Term Rentals Permit.

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

B. Permit Required. Effective November 1, 2016, no person shall operate a Short-Term Rental without first obtaining annually a one-year permit therefor from the Code Enforcement Office.

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

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

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

the unit, for consideration, for periods of less than one month, as follows:

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

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

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

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

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

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

- (1) Short-Term Rental Permits may not be granted to a renter, lessee, or other party who is not the owner of the proposed short-term rental or the owner’s property manager, and no renter or lessee of a dwelling unit may sub-let the rented or leased premises as a short-term rental;
- (2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the application either that (a) the structure is the applicant’s primary residence, (b) the applicant’s primary residence is at another residence within the City of Rockland, or (c) the applicant has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;
- (3) Where the proposed short-term rental is an approved accessory apartment, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-

term rental is accessory;

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

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

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

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

Review Level I:

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

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

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

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

Review Level II:

Applicant shall demonstrate compliance with applicable<sup>2</sup> building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

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

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

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

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

When the Planning Board is the Permitting Authority under Table 11-210(2), it shall grant, condition, or deny the application by taking into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances.

Planning Board review of the STR is only required for initial applications, applications where the property at which an STR is located has changed ownership, or applications after an STR license has been suspended. Otherwise, for STR license renewals, the Code Office shall be the Permitting

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

Authority.

Table 11-210(2)

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

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

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

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

#### NOTICE

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

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

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

(15) The Permittee shall maintain permit eligibility in conformance with Sec. 11-210(2)(D) continuously during the permit period.

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

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

### 3. Penalties.

A. Operation Without Permit. Whoever operates a lodging house or, after November 1, 2016, a short-term rental without a license or permit therefor shall be penalized with a fine of five hundred dollars (\$500) for the first offense and additional fines of one thousand dollars (\$1,000) for each additional offense, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each rental of any room or other short-term rental shall constitute a separate offense.

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

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

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

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

A. Reservations.

(1) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR is not of a type that may be permitted as a STR-1, STR-2, or STR-3, and who received reservations for short-term rentals at the same premises between January 1, 2016, and May 31, 2016, may honor such reservations and provide such short-term rentals without a permit therefor. No new reservations for short-term rentals may be accepted after the effective date of this ordinance unless such rentals were offered for rent in 2015 prior to December 31, and would fall within the definition of a STR-1, STR-2, or STR-3.

(2) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR, if permitted, would fall within the definition of a STR-1, STR-2, or STR-3, and who receive reservations for short-term rentals at the same premises for dates between January 1, 2016, and prior to October 30, 2016, may honor such reservations and provide such short-term rentals without a permit therefor.

B. Registration. All parties operating Short-Term Rentals prior to November 1, 2016, are required to register each such Short-Term Rental with the Code Office, utilizing a form therefor provided by the Code Office and providing the requested information, including address, operator, level of occupancy, and emergency contact information. So long as a short-term rental complies with either provision A(1) or A(2) above and registers with the City, an STR permit shall not be required from the City until after October 31, 2016.

C. Permitting. Notwithstanding the foregoing registration requirement, the Code Office shall make applications to operate STR-1, STR-2, and STR-3 accommodations available as of the effective date of this ordinance.

Sponsor: City Council

Originator: Code Enforcement Officer

Postponed 10/14/15 to 11/09/15

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

Postponed 01/11/16 to 03/14/16

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

Suggested Amendments to Ordinance Amendment #41:

H. Additional Requirements

(7) A multi-family structure located in zones other than Residential "A," "AA," or "B," "TB-1," or "TB-2" zones, and where the zone in which the multi-family dwelling is located permits Lodging, Rooming or Boarding Houses and/or Hotels, shall be permitted to rent any or all dwelling units for any period less than a month. Such multi-family dwelling must have approved functional sprinkler and fire alarm systems. The total number of guests occupying such STR-3 shall not exceed sixteen (16);

(16) No food prepared at the STR may be served by or on behalf of the Permittee to guests without current state certification for such food service, when required.

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

October 14, 2015

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

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

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

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

\*                    \*                    \*

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

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

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

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

dwelling, and residential condominium.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

\* \* \*

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

Sec. 19-309 Special Use Classes Exceptions and Exemptions

\* \* \*

3. Transient Residential Accommodations Short Term Rentals.

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

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

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

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

Sponsor: City Council  
Originator: Code Enforcement Officer

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

Postponed 10/14/15 to 11/09/15  
Postponed 12/14/15 to 01/11/16  
Postponed 1/11/16 to 3/14/16

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

January 11, 2016

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

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

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

Sponsor: Councilor Pritchett

Originator: City Manager

*Postponed 1/11/16 to 2/8/16*  
*Postponed 2/8/16 to 3/14/16*

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #3**

**IN CITY COUNCIL**

March 14, 2016

**ORDINANCE AMENDMENT** Authorizing Zoning Map Amendment

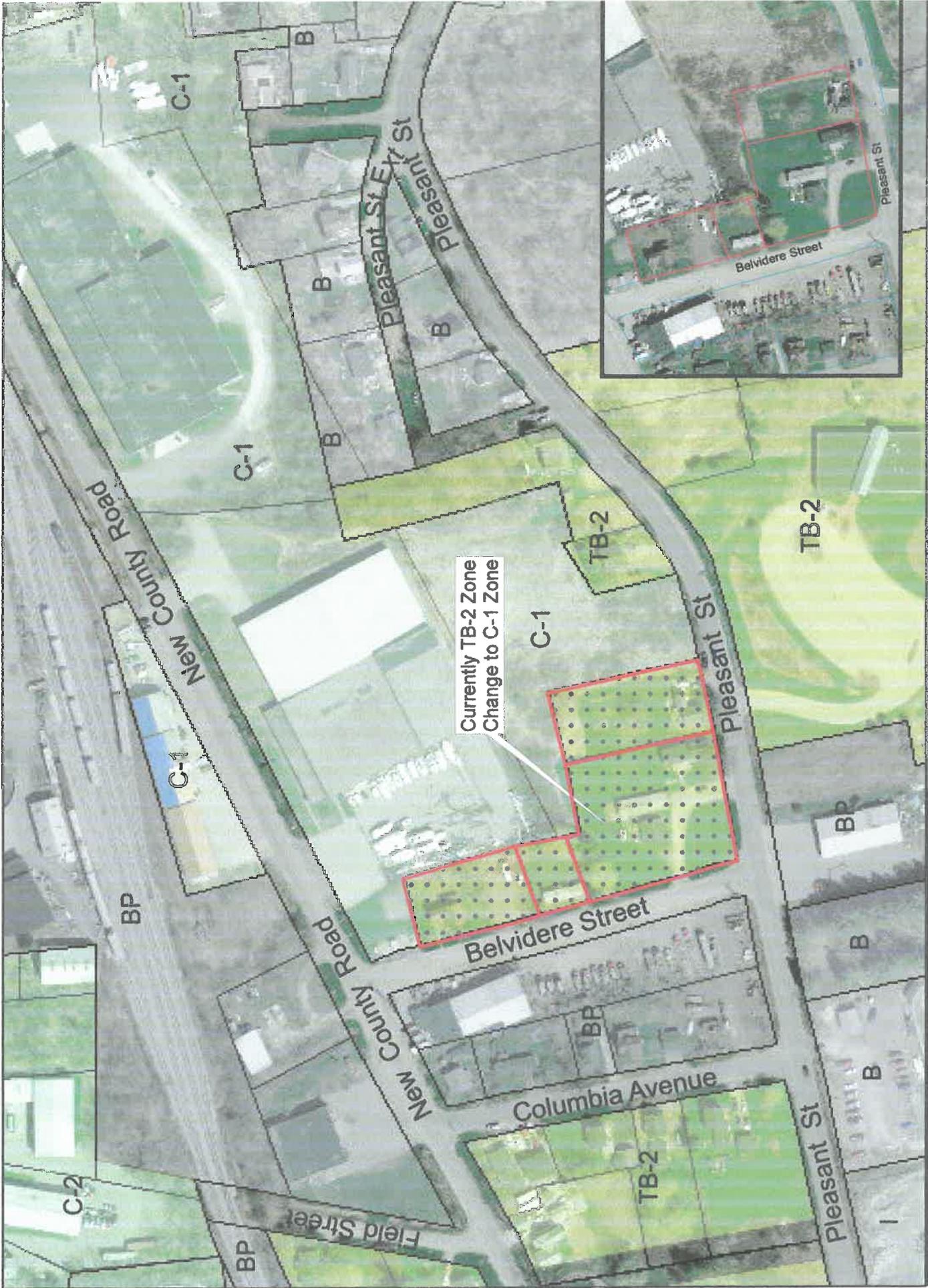
**THE CITY OF ROCKLAND HEREBY ORDAINS THAT THE OFFICIAL ZONING MAP OF THE CITY OF ROCKLAND BE AMENDED AS FOLLOWS:**

THAT on the official Zoning Map of the City of Rockland, Maine, the following parcels shall be removed from the Transitional Business 2 (“TB-2”) Zone, and added to the Commercial 1 (“C-1”) Zone:

<u>Address:</u>	<u>Tax Map:</u>
15 Belvidere Street	50-B-4
19 Belvidere Street	50-B-3
183 Pleasant Street	50-B-8
185 Pleasant Street	50-B-7

The amended Zoning Map of the City of Rockland, Commercial 1 Zone, shall thenceforth encompass, in part, the area defined by the listed parcels, and shall follow the boundary lines of such parcels (see attached map).

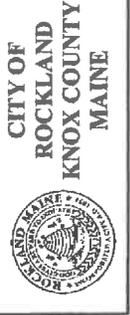
Sponsor: Councilor Clayton  
Originator: Councilor Clayton



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



**Change from TB-2 to C-1**



**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #4**

**IN CITY COUNCIL**

March 14, 2016

**ORDINANCE AMENDMENT** Amending Definition of “Educational Institutions” in the Waterfront Zone

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:**

**Sec. 19-304 Zone Regulations**

\* \* \*

**22. Waterfront Zone Regulations.**

A. Purpose. The purpose of this zone and its subzones is to further the maintenance of safe and healthful conditions; prevent and control water pollution; control building sites, placement of structures and land use; visual as well as actual points of access to coastal waters.

\* \* \*

C. Definitions. In addition to the definitions in Section 19-302, the following definitions apply to the waterfront zones and subzones:

\* \* \*

(5) Educational Institutions. Any educational institution ~~the primary goal~~ part of the function of which is marine-related or marine-dependent education.

Sponsor: Mayor MacLellan-Ruf  
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT # 5

IN CITY COUNCIL

March 14, 2016

ORDINANCE AMENDMENT Conditionally Permitting Automobile  
Repair in Commercial 1 and Commercial 2

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and  
Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations, BE  
AMENDED AS FOLLOWS:

Sec. 19-302 Words and Phrases Defined

\* \* \*

**Automobile Body Shops.** Any premises where motor vehicle repair activities such as motor vehicle painting and body and fender work is conducted.

**Automobile Repair.** The maintenance and repair of motor vehicles, including such activities as engine overhauls and tune-ups, transmission and drive train repairs, exhaust system repairs, carburetor cleaning, brake work, glass replacement, and incidental motor vehicle services including oil changes, lubrication, tire repairs, sales, mounting, and rotations, and alignments, including Automobile Service Stations. Automobile repair shall not include activities performed at automobile body shops. ~~Any premises where motor vehicle maintenance, repair or servicing activities such as engine tuneups, lubrication, carburetor cleaning and activities such as engine and mechanical overhauls are conducted. Motor vehicle repair shall not include activities such as motor vehicle painting and body or fender work.~~

**Automobile Sales, Small-Scale Used.** Any facility where twelve (12) or fewer vehicles are kept on premises for sale.

**Automobile Service Stations.** Any premises where the primary use is the retail supply, installation and/or dispensing of gasoline and/or other motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

\* \* \*

**Car Wash.** Any area or building with equipment for washing cars, trucks, and/or other motor vehicles.

\* \* \*

**10. Commercial 1 Zone "C-1" Regulations**

**A. Purpose.**

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

**B. Use Regulations.**

\* \* \*

**(2) Conditional Uses.**

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

(a) Automobile Repair;

(b) Car washes;

~~(c)~~ Commercial outdoor recreational uses;

~~(d)~~ Interior boat storage and repair, at parcels fronting on New County Road;

~~(e)~~ Light industrial uses, at parcels fronting on New County Road.

~~(f)~~ Manufacturing, at parcels fronting on New County Road;

~~(g)~~ Warehousing;

\* \* \*

**11. Commercial 2 Zone "C2" Regulations**

**A. Purpose.** The purpose of the Commercial 2 Zone is to accommodate general business uses on smaller parcels that are increasingly pedestrian-oriented as the areas approach Downtown.

**B. Use Regulations.** In a Commercial 2 Zone "C2" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

**(1) Permitted Uses**

Uses allowed in Commercial 1 Zone, excluding:

- (a) Compartmentalized storage buildings; and
- (b) Veterinaries.

(2) Conditional Uses

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; sign, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances.

(a) Commercial outdoor recreational uses.

(b) Automobile Repair;

(c) Car washes;

(32) Prohibited Uses

(a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;

(b) Any use specifically named in Section 19-304-10-B (2).

\* \* \*

**12. Commercial 3 Zone "C3" Regulations.**

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

B. Use Regulations. In a Commercial 3 Zone "C3" no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise provided for in this Article.

(1) Permitted Uses

(a) Uses allowed in Commercial 1 Zone,

(b) Sole source pharmacy (It is the intention of the City Council that this ordinance amendment shall apply to applications pending or permitted on or after November 29, 2004.)

(c) Storage buildings, compartmentalized with individual cubicles less than four thousand (4000) cubic feet per cubicle.

(d) Boat storage facility.

(e) Automobile~~Motor vehicle~~ repair.

(f) Construction Services, provided that there shall be no processing of raw materials on site nor shall there be stockpiling of products other than for retail sales.

(g) Automobile Service Stations.

(h) Car washes.

\* \* \*

### **13. Plaza Commercial Zone "PC" Regulations.**

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

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

(1) Permitted Uses:

(a) Business services;

(b) Financial services;

(c) Human health services;

(d) Lodging facilities;

(e) Automobile~~Motor vehicle~~ service stations ~~(excluding motor vehicle body work and major engine repair);~~

(f) Car washes;

(g~~f~~) Movie theaters and other places of entertainment;

(h~~g~~) Office buildings;

(i~~h~~) Personal services;

(j~~i~~) Professional services;

(~~kj~~) Restaurants;

(~~lk~~) Retail and/or auxiliary wholesale business, any generally recognized;

(~~m~~) Social services;

(~~nm~~) Accessory uses;

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Sponsor: Councilor Clayton

Originator: Code Enforcement Officer

**CITY OF ROCKLAND, MAINE**

**ORDER # 5**

**IN CITY COUNCIL**

January 11, 2016

**ORDER Routine Data Reporting To Council On Short Term Rentals**

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

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

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

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

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

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

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

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

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

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

Sponsor: Councilor Pritchett

Originator: Councilor Geiger

*Postponed 1/11/16 to 3/14/16*

**CITY OF ROCKLAND, MAINE**

**ORDER #11**

**IN CITY COUNCIL**

March 14, 2016

**ORDER** Adopting City of Rockland Employee Handbook

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

**THAT** the City Council hereby adopted the City of Rockland Employee Handbook, in substantial conformance with the handbook presented to the Council on March 14, 2016 and incorporated herein by reference.

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER #12**

**IN CITY COUNCIL**

March 14, 2016

**ORDER** Authorizing Repairs – Tolman Cemetery

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

**THAT** the DAR is hereby authorized to make repairs to the Tolman Cemetery under the supervision and direction of the City Manager; and

**THAT**, the City Manager is hereby authorized to match funds raised by the DAR for this purpose dollar for dollar up to a maximum of \$5,000; such funds to be taken from the City's Contributions Account (#10051-05079).

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER #13**

**IN CITY COUNCIL**

March 14, 2016

**ORDER** Authorizing FY 15 Budget Adjustments

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

**THAT** the City Manager is hereby authorized to make the following adjustments to the FY 2015 Budget:

Transfer \$27,579.23 from the Professional Services Budget (Acct. #10025-05010) for the Public Service Salt & Sand Shed project (#7562);

Transfer \$16,482.00 from the Wastewater Storm Water Capital Equipment Account (#20015-07005) for the 2012 SCADA Upgrade Project (#7602);

Transfer \$60,000 from the Police Vehicle Outlay Account (#10031-07001) for the purchase of Police Cruisers (#7609);

Transfer \$4,270.00 from the Police Vehicle Outlay Account (10031-07001) for the purchase of video units for police cruisers (#7610); and

Transfer \$2,643.18 from the Fire Department Equipment Outlay Account (#10032-07001) for the purchase of 3 defibrillators for the Emergency Medical Service (#7615).

Sponsor: City Manager  
Originator: Finance Director

**CITY OF ROCKLAND, MAINE**

**ORDER #14**

**IN CITY COUNCIL**

March 14, 2016

**ORDER** Authorizing FY 15 Grant Adjustments

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

**THAT** the City Manager is hereby authorized to make the following adjustments to the FY 2015 Grants:

Transfer \$18,449.72 from the Harbor Trail Account (#10037-06008) to the Connector Trail Account (#60404);

Transfer \$16,951.52 from the Port Development Account (#10061-07015) to the Small Harbors Improvement Program (#60308);

Transfer \$5,580.52 from the Sewer Professional Services Account (#20010-05020) to the CFMF (Thorndike) Project (#60283).

Sponsor: City Manager  
Originator: Finance Director

**CITY OF ROCKLAND, MAINE**

**ORDER #15**

**IN CITY COUNCIL**

March 14, 2016

**ORDER** Calling Special Election and Setting Times for Polls – June 14, 2016

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

**THAT**, given the resignation from the City Council of Councilor William Jillson, effective March 7, 2016, there shall be held in the City of Rockland a Special Election to fill that unexpired term on June 14, 2016 in conjunction with the State Primary/Referendum Election and the RSU #13 Budget Validation Referendum Election. The polls at the Rockland Recreation Center shall be opened at 8:00 a.m. and closed at 8:00 p.m. on June 14, 2016 for said Elections.

Sponsor: City Council

Originator: City Council