

*CITY OF ROCKLAND, MAINE*



*270 Pleasant Street  
Rockland, Maine 04841*

**CITY CLERK'S OFFICE**

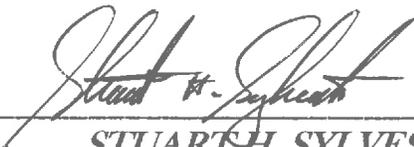
July 29, 2016

*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, AUGUST 1, 2016 AT 5:30 P.M. FOR  
THE FOLLOWING PURPOSE(S):*

*[Please Note Starting Time and Date]*

Permit for Outdoor Service of Alcohol - CMCA  
Public Hearing: CDBG Safe Neighborhoods Grant  
Discussion w/RSU #13 Superintendent & Merriam Architects - Owls Head & So.  
Thomaston Community School Projects  
Set Agenda for August 8, 2016 Regular Meeting

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

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



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

**Application for License for Incorporated Civic Organization**

**\$50.00 Fee / \$10.00 Filing Fee - Check Payable: Treasurer State of Maine**

1. (a) Full Name of Applicant: Center for Maine Contemporary Art (cmca)  
(Corporate Name)
- (b) Corporate Address: 21 Winter St, Rockland, ME 04841  
Street Address City/Town State Zip Code
- (c) Authorized Corporate Office: \_\_\_\_\_
- (d) Address: mailing: PO Box 1767, Rockland, ME 04841  
Street Address Town/City State Zip Code
- (e) Telephone Number: 207 701 5005 Fax: \_\_\_\_\_

**INFORMATION PERTAINING TO SPECIAL EVENTS OR GATHERINGS**

2. (a) Title and Purpose of Event: "Dance Party with Boogat" collaboration w/ Maine Boats, Homes + Harbors for PR
- (b) Date of Event: Aug. 13 Sat Time: From: 7:30 AM  PM To: 10:00 AM  PM
- (c)  Inside  Outside Event (If **Outside**, attach diagram of area)
- (d) Location of Event: Winter St. Rockland
- (e) Number of Persons Attending: estimated 300
- (f) Name and Address of Sponsor: cmca  
 Address: 21 Winter St. Town/City: Rockland State: ME
- (g) Name and Address of Caterer: N/A  
 Address: \_\_\_\_\_ Town/City: \_\_\_\_\_ State: \_\_\_\_\_
- (If other than licensee): \_\_\_\_\_
- (If food is to be served): \_\_\_\_\_
- (h) Type of building to be occupied: The bar will be set up in cmca's courtyard

(i) Area to be licensed: Courtyard

Dated at: Rockland, ME on July 19, 2016  
Town/City, State Month/Day

**NOTE:**

This application must be signed by a duly authorized officer of the corporation executing the application and approved by the Municipal Officer/Country Commissioners and filed with the Division.

CMCA  
NAME OF CORPORATION  
BY: [Signature]  
CORPORATE OFFICER'S SIGNATURE - TITLE  
STATE OF MAINE

Suzette McAvoy, Director  
PRINTED NAME & TITLE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ ss  
City/Town (County)  
On: \_\_\_\_\_  
Date

The undersigned being:  Municipal Offices  County Commissioners of the  
 City  Town  Plantation  Unincorporated Place of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

Signature	Print

**72 Hours in Advance of Said Event or Gathering  
REQUESTED**

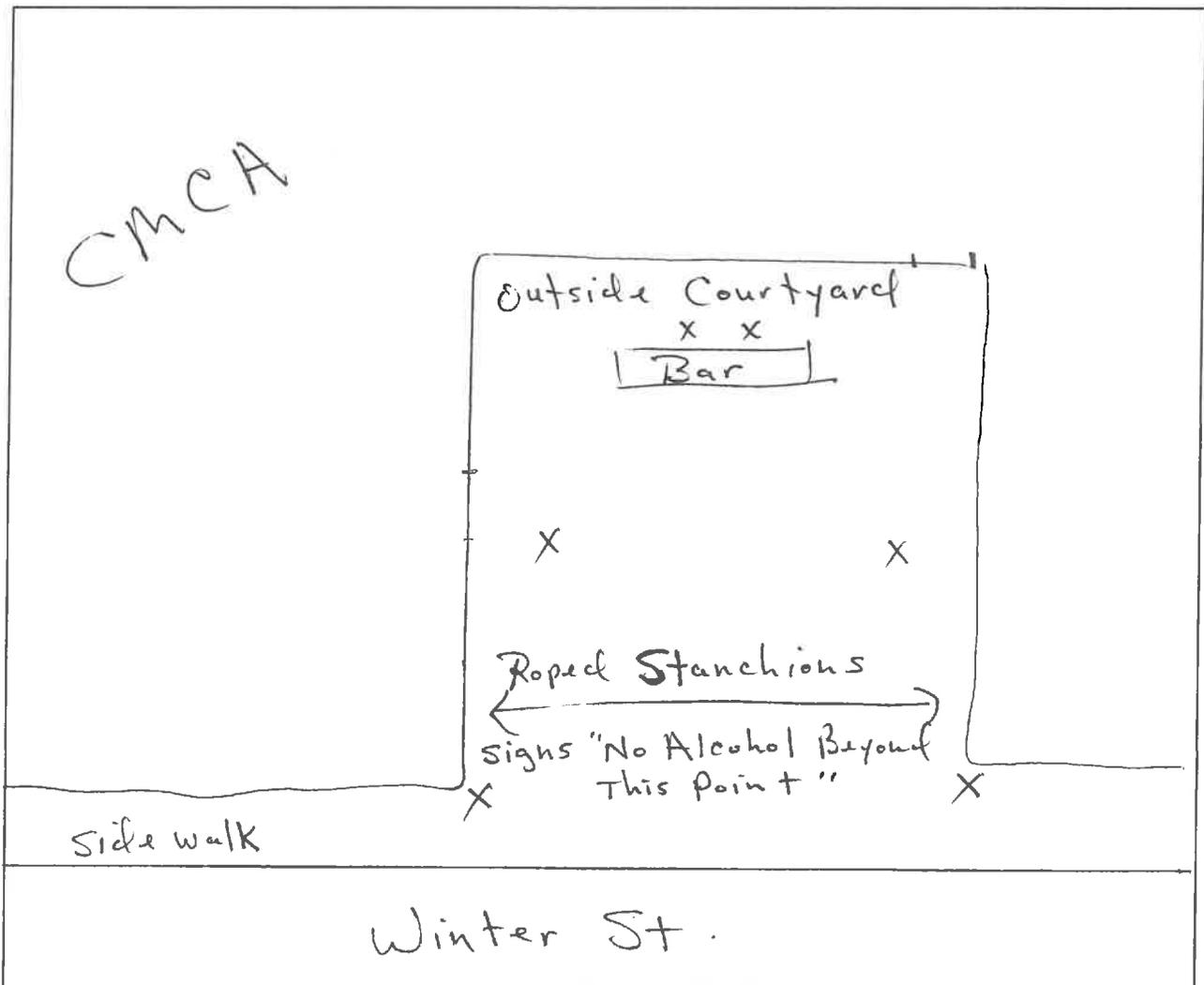


Bureau of Alcoholic Beverages  
 Division of Liquor Licensing & Enforcement  
 8 State House Station  
 Augusta, ME 04333-0008  
 Tel: (207) 624-7220 Fax: (207) 287-3434

## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

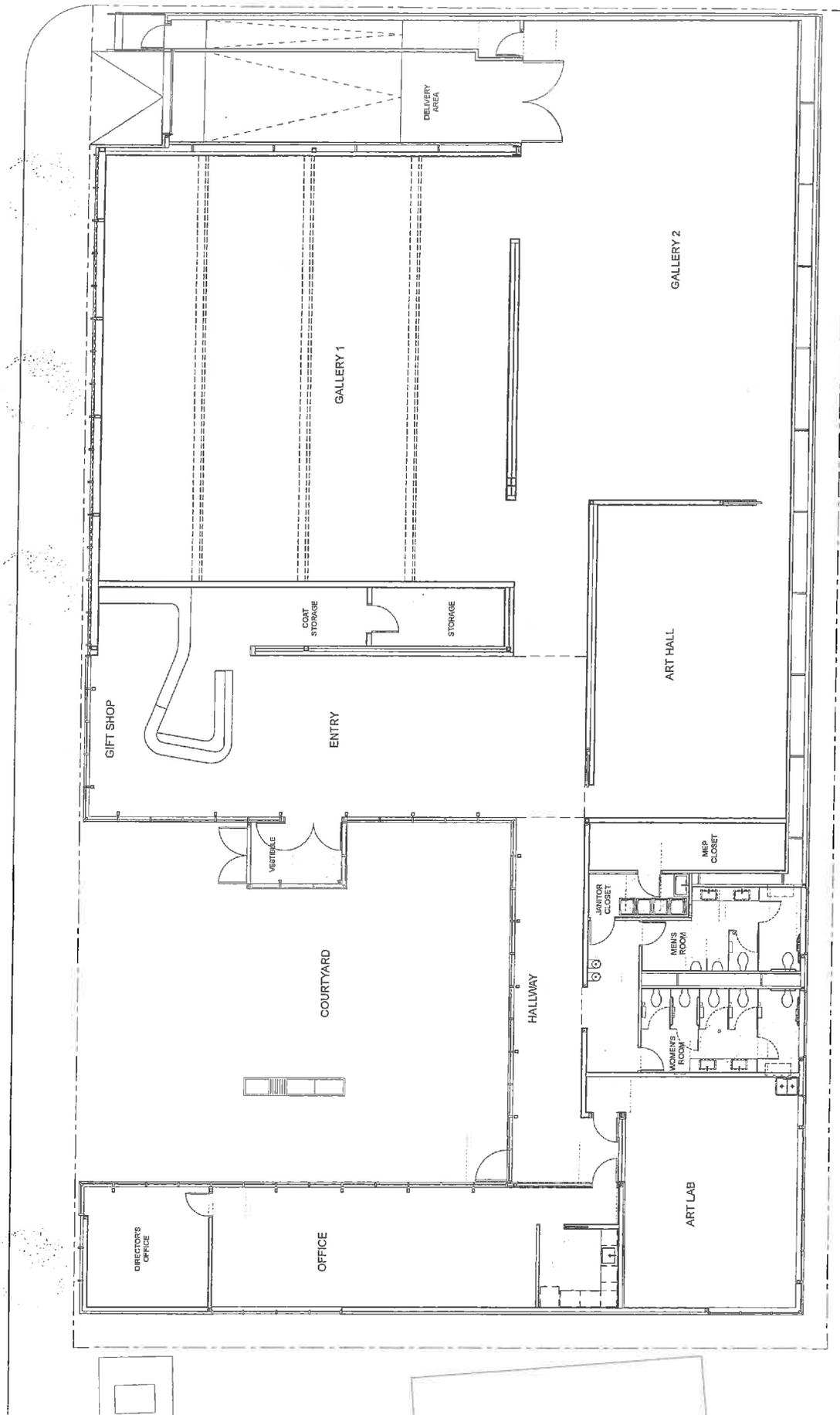
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.

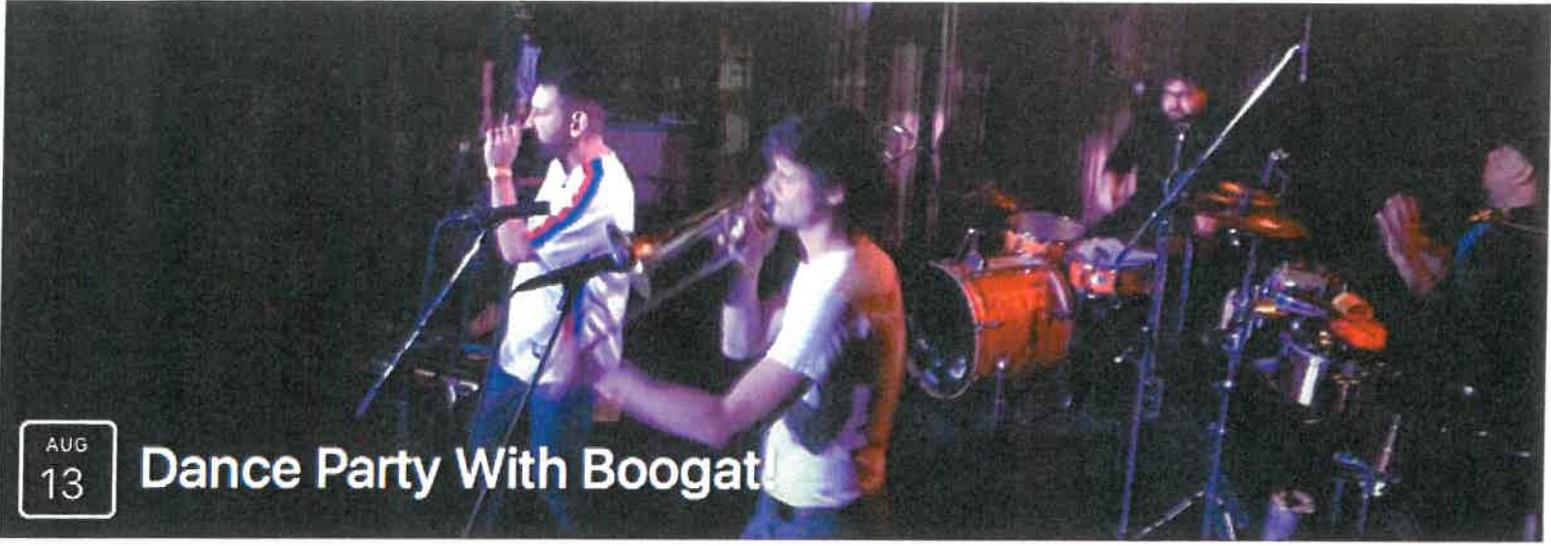


Polly's  
 Yellow Garage  
 Dance  
 event

X Volunteers + staff

→ Main St.





AUG  
13

# Dance Party With Boogata

Public · Concert - Hosted by Maine Boats, Homes & Harbors Show and Maine...

Interested Invite

Saturday, August 13 at 7:30 PM - 10 PM

Winter St, Rockland, ME 04841, United States

Show Map

Tickets Available  
www.eventbrite.com

Find Tickets



Stacey, Jonathan and 2 other friends are going

17 interested 8 going 136 invited

## About

## Discussion

Write Post Add Photo / Video Create Poll

Write something...

## Details

Dust off your fedoras! The Maine Boats, Homes & Harbors Show is bringing the award-winning five-piece Latin-flavored contemporary dance band Boogata to the stage of the yellow warehouse on Winter Street in Rockland. Buy your ticket online in advance (\$25) and get into the show FREE on Saturday. Contemporary Music = Contemporary Art: produced in collaboration with Center for Maine Contemporary Art. Media Sponsor: Community Radio WERU 89.9 FM.

## INVITE FRIENDS

+ Add friends to this event

-  Karen Keyes Invite
-  Nancy Glassman Invite
-  Lisa H Raymond Invite

Show More Friends

## SUGGESTED EVENTS SEE MORE

 **Maine Lobster Fest at Harbor ...**  
Sat Aug 6 at Rockland, Maine  
Concert · 2 friends are going

**ITEMS FOR 08/08/16 REGULAR MEETING AGENDA:**

**August 1, 2016**

**Communications: None**

**Licenses and Permits:**

- a. Lodging House License – Brunswick House
- b. Taxi Company License – Joe’s Taxi (8 taxicabs)
- c. Liquor License – Pho Sizzle Restaurant

**Resolves:**

- #25 Multi-Town Street Light Project (Postponed 06/13/16)
- #33 Commendation – J. Gourde
- #34 Adopting CDBG Fair Housing Resolution
- #35 Adopting CDBG Anti-Displacement & Relocation Plan
- #36 Adopting CDBG Standards of Conduct
- #37 Donations - Library

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

- # 7 Ch. 14, Sec. 14-316 Street Opening; Redundant Text (Postponed after PH 7/11/16)
- # 8 Ch. 15, Arts. I & IV Street Opening Permits (Postponed after PH 07/11/16)
- # 9 Ch. 19, Sec. 19-307 Driveways, Curb Cuts & Culverts (Postponed after PH 7/11/16)
- #12 Ch. 2, Sec. 2-509 Disposition of Lien-Acquired Property (Postponed after PH 7/11/16)
- #17 Ch. 4, Art. II Sprinkler Exemptions
- #18 Ch. 11, Sec. 11-210 Licensing of B&B’s, Inns, Hotels & Motels
- #19 Ch. 16, Sec. 16-203 Site Plan Review – Environmental Impact Assessment
- #20 Ch. 19, Sec. 19-304 Industrial Zone Regs. – Health & Fitness Facilities
- #21 Ch. 17, Sec. 17-808 Weight Limit – Oliver Street

**Ordinances in First Reading:**

- #22 Authorizing Lease Contract – Capital Equipment
- #23 Bond Ordinance – Water Pollution Control Facility & Collection System
- #24 Bond Ordinance – Library Repairs
- #25 Bond Ordinance – Road and Infrastructure Repairs & Improvements
- #26 Ch. 19, Art. III Reducing Dimensional Limitation on Dwelling Units

**Orders:**

- #36 Appropriation of Funds – Multi-Town Lighting Project (Postponed 6/13/16)
- #47 Amending Land Use & Inspection Fees – Chickens & STRs
- #48 Amending Licenses & Permits Fee Schedule – Chickens & STRs
- #49 Authorizing TAN Borrowing
- #50 Declaration of Official Intent – Sewer Bond
- #51 Declaration of Official Intent – Library Bond
- #52 Declaration of Official Intent – Infrastructure Bond
- #53 Authorizing COLA Salary Adjustment – City Clerk

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

Name of Applicant Colin Wentworth Phone 207-691-7722

Address of Applicant 6 Lake Ave  
Rockland

Name of Business Brunswick House Phone 207-594-9761

Address of Business 204 Main St

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 Lodging House

Expiration of Current License 9/8/16

Fee(s) Paid \$100.00 Date July 25, 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 Colin Wentworth Date July 25, 2016

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

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

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

\_\_\_\_\_ Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Police Chief \_\_\_\_\_ Date \_\_\_\_\_

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

APPLICATION FOR TAXICAB LICENSE

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

Office Use Only

Date: \_\_\_\_\_

Approved: \_\_\_\_\_

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

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

License # \_\_\_\_\_

Name of Applicant Joseph Schiavone Phone 975-5639

Address of Applicant P.O. Box 32, 14 Sawblade RD

S. Thomaston, ME 04858

Name of Taxi Company Joe's Taxi Phone 975-3560

Address of Taxi Company P.O. Box 32, S. Thomaston, ME 04858

Other persons or entities having an interest in the company:

Name	Address
<u>N/A</u>	

(Use Separate Sheet, if necessary)

Has Applicant, or any interested party, been convicted of any of the following offenses in the last 5 years:

Criminal homicide; rape; aggravated assault; child molestation; sale or distribution of narcotic drugs, barbituric acid derivatives, and/or central nervous system stimulants; criminal solicitation or criminal attempt to commit any of the above; or any felony in the commission of which a motor vehicle was used. YES  NO

If Yes, specify: \_\_\_\_\_

(Use Separate Sheet, if necessary)

Experience in Transportation of Passengers: Has the Applicant operated a mode of public conveyance previously?

YES  NO If YES, specify: 11 years Joe's Taxi Rockland

(Use Separate Sheet, if necessary)

Number of Taxicabs Owned By Applicant: 8 Number of Taxicabs to be Operated in City: 8

Fee: (\$50 per taxicab) \$ 400 - Description: \_\_\_\_\_

Make	Model	Year	VIN Number	Seating
<u>SEE Attached</u>				

(Use Separate Sheet, if necessary)

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

The applicant hereby swears that the information contained in this application is true and correct to the best of his or her knowledge, and agrees to conform with the provisions of the Ordinance regulating the operation of taxicabs within the City of Rockland and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature \_\_\_\_\_

Date 7/21/16

**CITY OF ROCKLAND, MAINE**

**RESOLVE #25**

**IN CITY COUNCIL**

June 13, 2016

**RESOLVE** Exploring Four Municipality Approach To Transitioning To City Owned LED Street Lighting

**WHEREAS**, prior to 2013 the only option commonly available to municipalities for most types of lighting along municipal streets and roads was to lease lighting from the local electrical power transmission and delivery utility;

**WHEREAS**, in 1999 Massachusetts became the first state in New England to develop a competitive market for street lighting services by allowing municipalities to own street lights attached to shared use utility poles located along public rights of way; and

**WHEREAS**, in 2005, 2011, and 2013 towns and cities sought law changes that would transition Maine from a monopoly utility service for street lighting to a market based system where municipalities could own street lighting competitively sourced from a variety of vendors; and

**WHEREAS**, Rockland, through Council Resolves 2011-18 and 2013-06, along with South Portland, Falmouth, the Maine Municipal Association and other towns supported legislation to allow municipal ownership of street lighting on shared use utility poles; and

**WHEREAS**, the 2013 legislative effort was successful and the Public Utilities Commission has been developing regulations to allow for the transition to municipal ownership of street lighting when requested; and

**WHEREAS**, Rockland currently leases 704 street lights on shared use utility poles from CMP throughout the City; and

**WHEREAS**, in 2013 financial models used in Massachusetts and other states indicate the City should be able to lower its annual costs for street lighting by at least \$41,000 by transitioning to city owned LED lighting; and

**WHEREAS**, City Council in Orders 2014-91 And 2016-07 has direct staff and the Energy Committee to explore options for transitioning to City owned LED street lighting city wide; and

**WHEREAS**, data out of Ontario, Massachusetts, Pennsylvania, and other states suggest that Rockland could potential acquire new street lighting at a lower costs if the lighting is purchased in larger quantities than just Rockland purchasing own its own; and

**WHEREAS** the Managers on Falmouth, South Portland, Biddeford and Rockland have discussed jointly pursuing a transition to LED street lighting;

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

**THAT** the City Manager, or designee, with support from the Energy Committee, is encouraged to explore a multi town approach to transitioning to City owned LED street lighting throughout Rockland and report possible benefits, risks, options and costs back to Council.

Sponsor: Councilor Pritchett

Originator: Energy Committee

*Postponed 6/13/16 to 8/8/16*

**CITY OF ROCKLAND, MAINE**

**RESOLVE #33**

**IN CITY COUNCIL**

August 8, 2016

**RESOLVE** Commendation – Joseph A. “Al” Gourde, Jr.

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

**THAT** Joseph A. “Al” Gourde, Jr. is hereby commended and congratulated for 14 years of service to the City of Rockland as the Director of the Rockland Fish Pier.

**AND**, be it further Resolved that a Plaque and a Certificate of Commendation be presented to Mr. Gourde as a token of the City’s appreciation for his years of service on the occasion of his retirement, and the City Council wishes him well in his future endeavors.

Sponsor: City Council  
Originator: City Council

**CITY OF ROCKLAND, MAINE**

**RESOLVE #34**

**IN CITY COUNCIL**

August 8, 2016

**RESOLVE** State of Maine Community Development Block Grant (CDBG) Program Fair Housing Resolution.

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

**THAT** the City of Rockland adopts and authorizes the City Manager to sign a Fair Housing Resolution as follows:

**LET IT BE KNOWN TO ALL PERSONS** of the City Of Rockland that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law). It is the policy of the City of Rockland to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin. Therefore, the City does hereby pass the following Resolution.

**AND, BE IT FURTHER RESOLVED** that within available resources the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, handicap, familial status or national origin to seek equity under federal and state laws by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division.

**AND, BE IT FURTHER RESOLVED** that the City shall publicize this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state and local laws or ordinances.

**AND, SAID PROGRAM** will at a minimum include by not be limited to: (1) the printing and publicizing of this policy and other applicable Fair Housing information through local media and community contacts; (2) distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Sponsor: City Manager

Originator: Community Development

**CITY OF ROCKLAND, MAINE**

**RESOLVE #35**

**IN CITY COUNCIL**

August 8, 2016

**RESOLVE** Authorizing the Adoption of the Residential Anti-Displacement and Relocation Plan for the State of Maine Community Development Block Grant (CDBG) Program Recipients.

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

**THAT** the City of Rockland adopts and authorizes the City Manager to sign an Anti-Displacement and Relocation Assistance Plan for the CDBG Program.

Sponsor: City Manager

Originator: Community Development

**CITY OF ROCKLAND, MAINE**

**RESOLVE #36**

**IN CITY COUNCIL**

August 8, 2016

**RESOLVE** Authorizing the Adoption of the Standards of Conduct for the State of Maine Community Development Block Grant (CDBG) Program Recipients.

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

**THAT** the City of Rockland adopts and authorizes the City Manager to sign a Code of Conduct for CDBG recipients pursuant to the Housing and Community Development Act of 1974, as amended in 1992, and the Community Development Block Grant Regulations (24 CFR Part 570).

Sponsor: City Manager

Originator: Community Development

**CITY OF ROCKLAND, MAINE**

**RESOLVE #37**

**IN CITY COUNCIL**

August 8, 2016

**RESOLVE** Accepting Donations - Library

**WHEREAS**, the Friends of the Rockland Public Library donated \$358.30 to the Rockland Public Library for 34 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**, the Rockland Public Library Endowment Association donated \$551.56 for FAX “credit” cards, Cypress Resume licensing/hosting, and Website hosting services, 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**, Linda Milton, South Thomaston, Maine, donated \$100, 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  
ORDINANCE AMENDMENT # 7  
IN CITY COUNCIL**

April 11, 2016

**ORDINANCE AMENDMENT** Eliminating Redundant Text Street Opening Permits

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 14, Sewers, Drains & Solid Waste, SECTION 14-316 Highways Not To Be Opened Without Consent, BE AMENDED AS FOLLOWS:**

~~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.~~

[Re-Number Remainder of Article III Appropriately]

Sponsor: Councilor Pritchett

Originator: City Manager

Postponed 5/9/16 to 6/13/16  
Postponed 6/13/16 to 7/11/16  
Postponed 7/11/16 to 8/8/16

First Reading 4/11/16  
First Publication 4/21/16  
Public Hearing 5/9/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT # 8  
(As Amended 04/11/16)

IN CITY COUNCIL

April 11, 2016

ORDINANCE AMENDMENT Strengthening Street Opening Permit Requirements and Enforcement

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 15, Streets, ARTICLE I, Use of Streets, and ARTICLE IV, Street Construction And Excavations, BE AMENDED AS FOLLOWS:

CHAPTER 15 STREETS

ARTICLE I Use of Streets

Sec. 15-101 Statement of Purpose

The provisions in this Chapter are intended to assure the public's safe and unhindered use of and passage through the City's streets, and to preserve the same from unauthorized encroachment, or damage or destruction. The following sections are enacted to preserve the individual rights of citizens in the use of streets, to protect them in their public use and enjoyment thereof, and to preserve public ownership and public use of streets without private encroachments, not only for citizens of today but also for posterity.

Sec. 15-102 Definitions

For the purposes of this Chapter, certain words and phrases shall have the following meanings.

1. Emergency. "Emergency" shall mean any event which may threaten public health or safety including, without limitation, damaged or leaking water or gas conduit systems; damaged, plugged, or leaking sanitary or storm sewers; damaged underground electrical or communications facilities; or downed or seriously damaged utility poles.

2. Person. The term "person" shall refer to, in addition to any human being, any corporation, limited liability company, sole proprietorship, partnership, trust, association, organization, or other entity or combination of human beings other than the State of Maine or the City of Rockland or any department, division, or agency of the same.

32. Public Place. "Public Place," as used in this Chapter, shall include any State- or City-owned or controlled parking area, park, recreational area, playground, or public landing, including those parks established in Chapter 13, Article I. Articles I and II shall be understood as including City of Rockland owned or controlled parking lots, recreational areas, playgrounds, the Public Landing, and parks: Ulmer Park, Gay Park, Merritt Park, Walter Butler Square, Sandy Park, General Berry Square and Schofield White Park.

~~41. Street. The words "street" or "streets" as used in this ChapterArticles I and H shall mean the entire right-of-way of any be understood as including highways, road, ways, avenues, courts, lanes, alleys, sidewalk, bridge, parks, squares, other Public Pplaces, and any non-public property owned or controlled by the Citysidewalks and bridges.~~

~~5. Undefined Words and Phrases. Words and phrases not herein defined shall have the meaning assigned to them in Chapters 17 or 19, as may be applicable or, in the absence of such definitions, their common and ordinary meanings. The definitions of words and phrases as contained in Chapter 17 are hereby made applicable to this and to every other ordinance of this City.~~

~~\* \* \*~~

#### ~~Sec. 15-118 Excavation Near Street~~

~~No person shall make any excavation near any street or public place in this City, so as to endanger any portion thereof, without first having obtained a permit from the Director of Public Works. Any person violating this Section shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.~~

~~State Law Reference: 23 M.R.S. §§ 3351-3360 A.~~

~~Cross Reference: Ch. 15, Art. IV.~~

~~\* \* \*~~

#### ~~Sec. 15-132 Openings in Street or Sidewalk; Construction~~

~~No person shall make or cause to be made an aperture in or under any street or sidewalk for the purpose of constructing coal holes or receptacles for any other articles, or for light or air, or for any other purpose, with first obtaining a permit therefore from the City Clerk bearing the approval of the City Manager, and no person shall leave such coal hole or other aperture open or unsafe, except while actually in use and then only when properly protected against endangering passers-by. A five hundred dollars (\$500) bond shall be required for such a permit, conditioned as required in Chapter 11, for all such openings hereafter made.~~

~~State Law Reference: 23 MRSA §§ 3351-3360 A.~~

~~Cross Reference: Chapter 15, Article IV.~~

#### ~~Sec. 15-133 Openings in Street or Sidewalk~~

~~1. Cellar Doors. When a cellar door, vault, coal hole, or other structure or aperture is maintained in, upon or under any street, sidewalk, or public place, the occupants or owners of the estate of which such cellar door, vault, coal hole or other structure or aperture belongs, shall keep the same in good repair; and if at any time such cellar door, vault, coal hole or other structure or aperture is out of repair or if, in the opinion of the Director of Public Works, public safety is thereby endangered, he shall notify the owners or occupants of the fact, and if they neglect or refuse for the period of twenty four (24) hours to repair such cellar door, vault, coal hole or other structure or aperture, the Director shall forthwith cause such repairs to be made at the expense of such owners or occupants, which expense may be collected from them in an action of debt, for the use of the City, and they shall be liable to a further penalty of not exceeding twenty dollars (\$20) for each twenty four (24) hours that such cellar door, vault, coal hole or other structure or aperture~~

~~continues to be out of repair after notice from the said Director, as aforesaid. Every person who hereafter maintains a cellar door, vault, coal hole or other structure or aperture in or under any street or public place, shall do so only by continuing in full force and effect the permit bond required in the previous section, conditioned that such maintenance shall bind him to keep the same and the covers thereof in good condition and repair at all times during his ownership or control of the same, and to indemnify and save harmless the City against all damages caused and expenses incurred in consequence of the same being out of repair or left open.~~

~~2. Culverts. Whenever it is deemed necessary by an abutter on an improved City street that a culvert be installed to provide an entrance to his property, he shall petition the City for such an installation and the City may install the same, provided that the abutter, at his own expense, furnish a culvert satisfactory to the City. Such culvert shall thereafter be maintained by the City.~~

~~3. Penalty. Whoever violates any of the provisions of this Section or the rules and regulations made under the authority thereof shall be punished by a fine of not more than five hundred dollars (\$500).~~

~~State Law Reference: 23 MRSA §§ 704, 3151-3255, 3351-3360-A.~~

\* \* \*

**DELETE ARTICLE IV, AND REPLACE WITH:**

**ARTICLE IV Street Construction and Excavations**

**Sec. 15-401 Street Excavations - Statement of Policy**

The City of Rockland requires compliance with the provisions of Article IV of this Chapter in order to minimize, to the extent possible, the safety and road maintenance problems that have been associated with excavations and paving operations in the past. The protection of the City's streets and sidewalks and infrastructure on and under the streets in the City is vital for assuring safe and passable ways, protecting the public health, safety, and welfare, and for fostering economic activity and development. To that end, it is the policy of the City to require all repair and excavation work performed on City streets and sidewalks to be done promptly, with due regard to the safety of the public, and in a skillful and workmanlike manner.

**Sec. 15-402 Definitions**

For the purposes of this Article, certain words and phrases shall have the following meanings. Words and phrases not defined herein or elsewhere in Chapter 15 shall have their common and ordinary meanings.

1. Contractor. "Contractor" shall mean a person or entity retained to conduct the excavation(s) and other work authorized by a street opening permit and/or otherwise required under this Article or applicable law.

2. Excavation. “Excavation” shall mean any operation in which earth, rock, or other material below the surface is moved or otherwise displaced, by hand or by means of power tools, power equipment, or explosives, and including grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, and cable or pipe driving, except tilling of soil and gardening or displacement of earth, rock, or other material for agricultural purposes.

3. Installation. “Installation” shall mean any pipe, equipment, vault, entrance, coal hole or other receptacle for goods, or other structure placed in a street.

4. Permittee. “Permittee” shall mean a person authorized to conduct an excavation in a street or sidewalk pursuant to Section 15-405.

5. Sidewalk. “Sidewalk” shall mean that portion of a street between the curb lines or, in the absence of curbs, the lateral lines of a roadway, and the adjacent property lines intended or available for the use of pedestrians.

6. Utilities in Good Standing. “Utilities in Good Standing” shall mean a public utility as defined in 35-A M.R.S. § 102, as amended, that is not – either at the time of application or anytime within the past year – in violation of any provision of this Chapter.

#### **Sec. 15-403 Administration**

The Public Services Director (the “Director”), under the supervision of the City Manager, shall be responsible for administering the provisions of this Article, and for securing compliance with the City’s street opening, excavation, connection, and restoration requirements.

Where the owner or operator of land retains a contractor to perform work regulated under this Article, such owner or operator and the contractor shall be jointly and severally responsible for complying with this Article; provided, however, that only one permit shall be granted and one performance guarantee required for each excavation.

#### **Sec. 15-404 Street Paving; Notice; Moratorium**

1. Notice of Street Paving. Prior to paving or substantially repairing any City street, or of any state or state-aid highway within the Urban Compact area, the Director shall duly serve upon owners of property abutting on such street and upon all persons occupying such street, including public utilities that may have utility facilities in the street, directing such owners and persons to make sewer, water, and conduit connections or other work as may be designated by the Director or planned or reasonably foreseeable by the owner, within 60 days from the date of the notice. The Director shall maintain a current list of newly constructed, reconstructed, and repaved streets, and portions thereof, and make such list available to the public upon request at both the City Clerk’s office and the Department of Public Services, and on the City’s website.

2. Moratorium On Street Openings. At the expiration of the time fixed pursuant to the preceding paragraph and after the street has been paved or repaired, no permit may be granted to

open that street for a period of 5 years, except as otherwise provided herein.

3. Exceptions. Notwithstanding the foregoing, the Director may issue a street opening permit to open a street within 5 years after that street was paved or substantially repaired if the Director requires such Permittee to either:

A. Utilize trenchless construction techniques that obviate the need for disturbing the paved surface, or

B. Upon disturbing the paved surface, to relay the full width of the road surface on both sides of the cut for a distance of at least 20 feet from the furthest outside edges of the cut. If that repair overlaps the edge of a repair from a previous opening, the Director may require the Permittee to relay the full width of the road to the furthest edge of that previous repair. The Director shall prescribe the depth and method of restoring the pavement based upon the class of the street, except that in no case may the depth of the restored pavement be less than 3 ½ inches.

**State Law Reference: 23 M.R.S. §§ 3351-3352.**

### **Sec. 15-405 Street Opening Permit**

1. Permit Required. No person may excavate, place any installation within, or fill an excavation in any street or sidewalk without having first obtained a Street Opening Permit therefor from the Director or his designee. The Director is permitted to apply reasonable conditions to any permit to mitigate the unique circumstances of an application, as long as it doesn't have the effect of reducing the effect of the ordinance or limiting the adopted standards. The Director shall not issue such Street Opening Permit except upon receipt of:

A. A completed application therefor, on a form prepared and provided by or on behalf of the Director;

B. The permit or other applicable fee(s) established by Order of the City Council;

C. A certificate of Public Liability Insurance evidencing liability coverage in conformance with Sec. 15-406(1); and

D. The performance guarantee required under Sec. 15-406(2).

2. Exceptions. No street opening permit shall be required for:

A. Curb cuts for which a curb cut permit is granted pursuant to Chapter 19, Article III, Section 19-307(9);

B. Driveways for which a driveway permit is granted pursuant to Chapter 19, Article III, Section 19-307(9), where the work does not include the placement of a culvert or other subsurface disturbance that, in the discretion of the Code Enforcement Officer, may affect the stability of the right of way.

3. Permit Application. The written application for Street Opening Permit shall provide

the following information:

- A. Name, physical, postal, and e-mail or other internet address, and phone number of the applicant and applicant's contractor, if any;
- B. Name(s), address(es), and license number and issuing state of the project manager and/or foreman for the excavation, and of every person who may operate excavating equipment in conducting the excavation, backfilling, compaction, and/or site restoration, and a statement as to whether each such manager, foreman, or operator has been denied an excavator license by any governmental entity or caused any damage to property or person while operating equipment at a worksite in the preceding 5 years. The Director may establish conditions to the permit that require that excavation work be performed, or not performed, by specified personnel.
- C. Purpose(s) for which the permit is sought;
- D. Street address and the type(s) and nature of the occupancy of building(s) to be served by the proposed excavation;
- E. Start date for the proposed excavation and the estimated time needed to complete the excavation;
- F. Detailed narrative description of the proposed excavation, including its purpose, the total area of street and/or sidewalk to be disturbed, volume of excavated material, trench width and length, and purpose and type of utility connections to be made in the excavated area;
- G. Diagram of the proposed excavation showing the location of proposed utility installations / connections, and the size of street or sidewalk excavation;
- H. Accurate estimate of the total cost for the excavation, including inspections, testing, and repaving;
- I. Evidence of Applicant's notification of, and where applicable permission from, the owner or operator of underground facilities in the proposed excavation area. Evidence of notification may be satisfied by providing the Applicant's Dig-Safe number;
- J. Signature of the City Engineer, when determined by the City Manager;
- K. Signature of Police Chief when the flow of traffic will be restricted or detoured;
- L. Signature of the City Clerk demonstrating that Applicant is current on all financial obligations to the City; and
- M. Signature of the Applicant. Applicant's signature shall be deemed to be Applicant's acknowledgement of, and agreement to comply with, the requirements of this Article. Applicant and, when different, the owner of the property to be served or benefitted by the street opening shall be jointly and severally responsible for compliance with this Article.

The Director shall grant, grant with conditions, or deny each application for a street opening permit within five (5) working days of submission of a complete application. All such permits shall be subject to the conditions stated therein, and to the requirements set forth in this Article, including those in Sec. 15-407 – General Requirements.

4. Permit Fee. Except as otherwise provided herein, each applicant shall pay to the City a

permit fee in an amount reasonably calculated to reimburse the City for the direct cost(s) in labor and equipment typically expended by the City in administering permits issued pursuant to this Article.

The Director shall waive payment of all but \$50 of the permit fee for driveway repairs and repaving for which a driveway permit has been issued and that also require a street opening permit.

The Director shall waive payment of all the permit fees for excavations to be performed by or on behalf of the City or MaineDOT.

The City Manager may waive payment of the permit fee in the event s/he determines that special conditions exist relating to the protection of public health, safety, and welfare, and/or significant financial hardship to a home owner that, in the absence of such waiver, would delay or make impossible needed repairs of such owner's residence or utility facilities serving the residence.

Utilities in good standing may opt to be billed for permit fees, so long as such utility remains current on the resulting permit fee invoices.

5. Permit Valid for 30 Days. Excavation work must be started no later than thirty (30) days from the date of issuance of the Street Opening Permit. At the expiration of this thirty (30) day period, such permit shall become null and void and must be renewed before any work may begin. The permit fee must be paid for each issuance and renewal.

6. Winter Moratorium; Emergency Excavations. Except in the event of an emergency, the Director may not issue a permit for, and no person may commence, an excavation in a City street, sidewalk, or other public place between December 1 in any one year and March 15 in the following year.

7. Emergency Action. Nothing in this Article shall be construed to prevent the making of such excavations as may be deemed necessary for the preservation of life or property, or for the identification of blockages, leaks, or other failures, and the repair thereof, of gas, water, or other utility facilities in the street; provided, however, that the person making such excavation shall apply to the City for a permit therefor on the first municipal working day after such work is commenced. Before any emergency excavation is commenced, the responsible party must take all reasonable steps to notify Dig-Safe pursuant to 23 M.R.S. § 3360-A, and to ascertain the location of underground utility facilities that may be affected by the excavation. In no event may blasting be conducted in an unpermitted emergency excavation.

8. City of Rockland. No permit shall be required for an excavation to be performed by or on behalf of the City of Rockland, provided that the Director first issues a work order that sets forth the pertinent information otherwise required under paragraph (2) of this section. In the event of an emergency excavation by or on behalf of the City, the Director shall be notified and shall issue such work order documenting the emergency and the work as soon as practicable.

**Sec. 15-406 Liability Insurance; Performance Guarantee; Non-Waiver of Immunity**

1. Liability Insurance. All applicants for street opening permits shall provide with their applications a certificate of liability insurance naming the City as an additional insured for liability arising from the Permittee's excavation, in coverage amounts acceptable to the City Attorney.

2. Performance Guarantee.

A. Form. All applicants for a street opening permit, other than utilities in good standing, shall provide a performance bond or other bond, letter of credit, cash security deposit, or other guaranty of a type and in a form acceptable to the City to guarantee Permittee's performance in properly excavating, connecting to utilities, and restoring the excavated area (the "Performance Guarantee") in conformance with the applicable standards, rules, and regulations. In the event the Director determines that there has been a partial or complete failure of the trench or other portion of a right of way as a result of the street opening within two years of the Permittee's final completion of the street excavation and restoration, such failure shall be deemed to be the result of Permittee's failure to perform the excavation or restoration in conformance with the applicable standards, rules, and regulations.

Regardless of any other terms and conditions of said bond or other instrument, payment thereunder by said surety, guarantor, or other issuer to the City must be due immediately on demand upon Applicant's failure to restore the condition of the excavated way, sidewalk, or other public property to the satisfaction of the Director.

Letters of credit or other performance guarantees provided for permits issued prior to the effective date of this ordinance shall be retained and must remain valid for the entire term for which they were accepted by the City.

B. Exceptions.

(1) City Contract. No street opening permit shall be required of persons who are under contract with the City to perform the excavation if such persons provide a performance bond or other guarantee in an amount equal to or greater than that otherwise required hereunder.

(2) Waiver by City Manager. The City Manager may, upon written request by an Applicant, waive the requirement for a performance guarantee if the City Manager finds that the Applicant has insufficient financial resources to provide the guarantee and that the proposed excavation does not pose a significant risk of impairment to a street, sidewalk, or other City or utility infrastructure.

C. Amount. Licensed excavators or their employers may annually post a Performance Guarantee in the amount of \$25,000 to guarantee their performance under street opening permits for that calendar year. Alternatively, Permittees shall provide the City with a Performance Guarantee for each permitted excavation in the amount of the product of two times the project estimate stated in the application and accepted by the Director (Estimate x 2 = Performance Guarantee Amount). Bonds and other non-cash performance guarantees shall be in a form and issued by a surety, guarantor, or other issuer acceptable to the City, in its sole discretion, and shall remain effective and subject to negotiation and collection by the City for at least two years

from the date of completion of the excavation and street restoration. Cash security deposits made in lieu of providing a bond or similar instrument of performance guarantee shall be refunded upon approved completion of all conditions and requirements of the permit, this Article, and applicable rules and regulations.

#### D. Corrective Actions; Payment.

The Director shall serve written notice upon any person or utility that fails to comply with or that violates any provision of this Article (a "Violator"), stating the nature of the failure or violation and providing a reasonable, specific time limit for the Violator to perform corrective actions; provided, however, that where such failure or violation may trigger tort or other liability for a street defect, the corrective action shall be commenced within 24 hours of the Director's notice. If the Violator fails to perform the corrective action within the specified time period, the City shall cause the necessary repairs, keeping an account of the expense thereof. Upon the completion of the corrective action by or on behalf of the City, the Director shall cause an invoice to be served upon the Violator for payment, in the amount of 200% of the whole of the expense incurred by the City, which invoice shall be due and payable immediately upon receipt. The Director shall issue no additional street opening permits to the Violator until such invoice is paid in full. Upon the Violator's failure to perform the corrective action or to pay the City's invoice therefor, the City shall reimburse itself from the Permittee's performance guarantee in an amount equal to 200% of the whole of the expense incurred by the City.

3. Non-Waiver. This Article shall not be construed as imposing upon the City or any official or employee of the City any liability or responsibility for damages to any person injured by the performance of excavation work for which an excavation permit is required under this Article, nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work. In the case of a dedicated-but-unaccepted street or way, this Article shall not be construed as authorizing any action which is inconsistent with any private rights in said street or way, nor shall the issuance of any permit hereunder be construed as an acceptance of said street or way by the City for highway or other purposes.

### **Sec. 15-407 General Requirements**

1. Excavation Standards. All street excavations and restorations and other work that cause a disturbance of any street must be conducted in compliance with applicable statutes, ordinances, technical standards, and rules and regulations relating to opening, excavating, working in, and occupying a street or other public way, including the Excavation Standards set forth in Section 15-409, Special Conditions set forth in Section 15-410, and the City's Technical Standards Manual adopted pursuant to Chapter 2, Article XIV, Section 2-1402.

2. Non-Interference. Contractors shall not interfere with any existing facility, structure or substructure without the written consent of the City or owner of the facility, structure or substructure. Contractors will assume all liability for all damaged facilities, structures or substructures regardless of ownership, and for any damage or injury sustained as a result of such facility, structure or substructure damage. All excavations shall be conducted so as not to interfere

with access to fire hydrants, fire escapes, fire stations, police stations, underground vaults, and all other vital equipment identified by the City and/or Dig-Safe.

3. Inconvenience Minimized. Work shall be carried out in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and abutting property owners to the greatest extent possible; excavation work, noise, dust and unsightly debris shall be minimized. The work area must be cleaned up and all debris removed when construction is completed.

4. Blasting. If blasting is required as part of a project, the Contractor shall conduct a survey, prior to blasting, of the condition of all foundations and other structures and facilities standing at such distance from the proposed blast that they may, in the judgment of the Contractor, be affected by the blast. All property owners and lessees, if any, of buildings, structures and facilities within five hundred (500) feet of the site of the blast, or within the area likely to be affected, whichever is greater, shall be given adequate notice of the planned blasting by the Contractor as soon as possible after the need to blast becomes obvious. In addition, the Contractor shall cause "doorknob-hanger" notices of the blasting to be hand-distributed to these properties between 48 hours and 24 hours before the blasting is scheduled. Eff: 10/13/93

4. Seasonal Night Work. Excavations in Routes 1, 1A, 17, and 73 between June 1 and September 30, except in emergencies or with the prior consent of the Director, shall be performed after 6:00 PM and prior to 7:00 AM.

5. Monuments. Monuments designating property, street lines, or permanent survey markers shall not be disturbed, removed, or concealed without the prior, written consent of the Director, in which instance the Director shall direct the replacement or restoration of the monument by the Permittee or Contractor.

6. Manholes and/or Catch Basins. No person or utility shall remove, damage, haul away, or otherwise disturb any manhole and/or catch basin castings, frames, and/or covers owned by the City without first receiving written permission from the City. Any manhole and/or catch basin castings, frames, and/or covers missing, damaged, or disturbed shall be repaired and/or replaced by the Contractor in accordance with the specifications set forth by the Public Services Department.

7. Sewers, Sewer Connections. No person may uncover, make any connection with or opening into, use, alter, or disturb any public sanitary or storm sewer without first obtaining a written permit therefor from the Water Pollution Control Director pursuant to Chapter 20, Article III, Section 20-304, and paying all applicable sewer connection or other fees and charges.

8. Prompt Completion of Work. After an excavation is commenced, the Contractor shall proceed with diligence and expedite all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified in this Article. The Contractor shall daily perform such restoration work as may be reasonably necessary so as not to obstruct, impede, or create a hazard to public travel by foot or vehicle. If the City determines that the safety of the public is not being protected, then the City may intervene and perform corrective actions after providing 24 hours' notice to the Permittee or Contractor. If the work is not done in accordance with the time frame outlined in the permit application, then the permit must be renewed

or the City will consider the work incomplete and will take action accordingly.

9. Record of Installation. Drawings denoting installation of utility lines or service lines within the right-of-way of streets shall be filed with the Director of Public Works within sixty (60) days of completion of construction.

10. Unauthorized Excavations. Any person conducting an excavation in a street or sidewalk who is not authorized to do so under this Article is not excused from compliance with these general requirements, and a violation of the same shall be subject to penalties and/or fines in the amount of three times the applicable penalties and/or fines applicable to violations committed in conducting permitted excavations, in addition to and not as a substitute for any penalties, fines, and remedies imposed on the violator for conducting an unauthorized excavation.

### **Sec. 15-408 Protective Measures and Routing of Traffic**

1. Safe Crossings. Contractors shall, in general, maintain safe crossing for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossing for pedestrians. If any excavation is made across any public street or sidewalk, adequate crossings shall be maintained for vehicles and pedestrians. If the street is not wide enough to hold the excavated material, without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along such sidewalk line.

2. Barriers and Warning Devices. It shall be the duty of every Contractor cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices, and to post flaggers to guide traffic, as may be necessary for the safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian, and bicycle traffic shall be subject to final review and approval of the Police Department. Barriers, warning signs, lights, etc., shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices." Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset on each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace, light sources.

3. Normalization of Traffic Conditions. Contractors shall take appropriate measures to assure that, during the performance of the excavation work traffic conditions shall minimize inconvenience to the occupants of the adjoining property and to the general public.

4. Closing of Streets. When traffic conditions permit, the City may authorize the closing of streets to all traffic for a stated period of time. In an emergency, a street can be temporarily closed to prevent danger to the public. In such cases, a utility company or contractor responding to the emergency shall contact the Police and Fire Departments by phone before closing a street to traffic.

Closing of streets to all traffic for a limited period of time may also be approved by the Director of Public Services in conjunction with the City Manager, should an unforeseen risk to public safety arise during the completion of a non-emergency project.

5. Interference With Arterial Streets. Unless an emergency exists, construction activities shall not interfere with the normal flow of traffic on arterial streets of the City. The full inbound roadway lane width shall be maintained between the hours of 6:45 A.M. and 8:30 A.M. and the full outbound lane width shall be maintained between the hours of 4:00 P.M. and 5:45 P.M.

6. Shifting Traffic To Opposite Side. Contractors may shift traffic to the opposite side of the roadway to maintain required lane width. The Contractor may only make such shift with the approval of the Police Department following the proper review of detour plans to ensure adequate safe two-way traffic flow and proper number and placement of Police Officers or traffic safety flag persons.

### **Sec. 15-409 Excavation Standards**

1. Clearance for Vital Structures. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and loops, and all other vital equipment as designated by the City.

#### 2. Breaking Through Pavement in Streets and Sidewalks.

a. All excavations on paved surfaces shall be precut in a neat straight line with pavement breakers, saws, or asphalt cutters.

b. Heavy duty pavement breakers may be prohibited by the City when the use endangers existing substructures or other property.

c. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

d. Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.

e. When three (3) or more street openings are made in sequence fifteen (15) feet or less, center to center (between each adjacent opening), the CONTRACTOR shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.

f. On concrete sidewalks, all cuts shall be made from the nearest joint or score line on one side of the excavation to the nearest joint or score line on the other side of the excavation.

g. When an opening is made in a street, where the surface is Portland Cement Concrete, the concrete shall be cut back at least twelve (12) inches beyond the edges of the trench before the new concrete patch is replaced. Sufficient reinforcing shall be furnished to provide the equivalent of one-half (1/2) inch steel rods on twelve (12) inch centers both ways, top and bottom in the new concrete patch. The thickness of the concrete in the new patch shall be at least four (4) inches thicker than the existing concrete and the top surface shall be finished to conform to the surface of the old concrete.

h. When an opening is made in a street where the surface is bituminous concrete, the edges of the pavement shall be cut back an additional eight (8) inches beyond the edges of the patch before the new and permanent surface is replaced.

3. Trenches. Contractors shall minimize the lengths of open, excavated trenches, to better protect public safety and minimize the impact of the excavation on vehicular and pedestrian

circulation and access to adjacent properties. The maximum length of open trenches parallel to the travel lanes in a street shall be two hundred (200) feet, except on Routes 1, 1A, 17, and 73, where parallel trenches may not exceed one hundred (100) feet in length without the Director's prior consent. Open trenches that are not parallel with the travel lanes may not exceed the bounds of one travel lane. No greater length shall be opened at any one time for pavement removal, excavation, construction, backfilling, patching or any other operation without the written permission of the City. Trench sides shall be shored so as to prevent the undermining of undisturbed pavement. Contractors shall meet all applicable OSHA Safety Requirements.

#### 4. Care of Excavated Material.

a. All materials excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Materials that are not suitable under this Ordinance or other applicable regulations for reuse for backfilling shall, as soon as practicable, be removed from the site by the City for reuse by the City or, with the Director's prior approval, removed for other reuse or disposed by the Contractor. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, boards or bins may be required by the City to prevent the spread of dirt into the traffic lanes.

b. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the City shall have the authority to require that the Contractor haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the Contractor's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

5. Backfilling of Excavation. Backfilling shall conform with the specifications therefor in the Technical Standards Manual or, in the absence of the same, with regulations adopted by the Water Pollution Control Director for sewer connections, as may be from time to time amended. The Contractor shall conduct compaction testing of the backfill for conformance with such specifications. The City may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in its opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill has been compacted to 95% of its maximum density as determined by the modified Proctor test. All expense of such tests shall be borne by the Contractor. Authorization to resurface does not release the contractor from being responsible for the future condition of the excavated area as required by this Ordinance.

#### 6. Resurfacing of Streets and Sidewalks

A. The Contractor may backfill the excavation from the bottom of the adjacent pavement to the surface of the pavement with base aggregate meeting the Maine Department of Transportation Specification 703.06(a) for Type B or C base. The Contractor shall maintain this temporary surface level with the surface of surrounding pavement for at least two (2) weeks but no longer than thirty (30) days. The backfill shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The Contractor shall maintain the temporary backfill and shall keep same

safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving, except if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian and vehicular traffic, then the Contractor shall maintain barriers and lights where required herein.

B. No later than thirty (30) days after the excavation has been backfilled, the Contractor shall install permanent paving equal to or exceeding the character, thickness and quality of the adjoining undisturbed surface. If hot bituminous asphalt is unavailable due to the season, the excavation shall be surfaced with cold bituminous pavement until such time as permanent pavement is available.

Permittees shall, for a period of two (2) years thereafter, be fully liable for all defects in materials, compaction, and workmanship relating to such backfilling and resurfacing, and shall promptly and satisfactorily repair or replace the same upon notice by the Director of Public Services. If the work is not corrected within thirty (30) days of such notice, the City in its sole discretion, may declare the work to be in non-compliance, and Section 15-412(1) will apply.

#### 7. Inspections.

The City shall make such inspections as may reasonably necessary to secure Permittees' and Contractors' compliance with the requirements of this Article. Such inspections may be performed by the Director, his designee, the Water Pollution Control Facility Director or his designee, or other authorized personnel. The Director may order such actions and corrections as may be reasonably necessary to obtain compliance and/or protect the streets and public places in the City, or any underground utility facilities in a street or public place. The decisions and instructions of the Director with respect to any matter relating to a Permittee or its Contractor's performance and compliance shall be final and binding upon such Permittee and its Contractor, until and unless appealed to a court of competent jurisdiction and therein stayed or overturned.

#### Sec. 15-410 Special Conditions

1. Where three (3) or more street openings are made in sequence fifteen (15) feet or less, center-to-center, between each adjacent opening, the estimated cost for such excavations shall be calculated on the basis of one opening measured from the outer perimeter of the first opening to the outer perimeter of the last opening.

2. The City, when the Director deems it to be reasonably necessary, shall retain, at the Permittee's expense, an on-site inspector to inspect, monitor, and/or supervise all excavation, backfilling, resurfacing, and/or other temporary or permanent repairs. The Permittee shall be charged at the appropriate hourly rate of the inspector, plus thirty-five (35%) overhead for the services of such inspector.

3. If the Director, in its sole discretion, determines that settlement, heaving, or other failure or defect of the backfilled excavation has occurred during the two (2) years immediately following the final surfacing of such excavation, the Permittee may, at its option, either repair the opening or remit to the City a sum equal to 200% of the cost to repair the excavation. Permits

issued prior to the effective date of the initial adoption of this performance guarantee requirement shall remain subject to the prior, three-year contractor liability for the condition of the opened street or sidewalk.

If a Permittee does not remit payment on any invoice for repairs to defective excavations by or on behalf of the City within thirty (30) days of the date of such invoice, the City may decline to issue further permits to the Permittee or its Contractor until it receives payment of such outstanding bill and may take other appropriate legal action.

## **Sec. 15-412 Fees, Penalties and Enforcement**

1. Violations. The Owner and Contractor shall each be in violation of this Article if a street opening is commenced without a permit therefor, or if work relating to a permitted street opening, excavation, installation, connection, backfilling, street repair, or any other work or thing authorized or required thereunder is not in conformance with such permit, applicable law, ordinance, technical standard, or instruction of the Director.

### 2. Notice of Violations; Corrections.

The Director shall provide written notice of all such violations to the responsible party(ies), stating the nature of the violation(s), the corrective action(s) required, and a reasonable time in which to perform such corrective actions. To assure public safety, the Director may provide oral notification and require immediate corrective action to avoid or mitigate a safety hazard.

#### A. Corrective Action By Contractor.

The Permittee shall perform the corrective actions required by and to the satisfaction of the Director, within the period identified in the written or oral notice of violation. Permittee's failure so to do shall constitute a separate violation for each day Permittee remains out of compliance with such notice.

#### B. Corrective Action By the City.

Upon Permittee's failure to perform corrective measures required by and to the satisfaction of the Director, the City may perform or cause to be performed the corrective measures, at Permittee's expense, in which event the Permittee shall be required to pay to the City an amount equal to ~~one and one-half~~ two times the whole of the expense incurred by the City. When the work is completed and the costs have been determined, the City shall issue no further permits to that Permittee until it has received full payment of the amount thus assessed to Permittee. Notwithstanding the City's performance of any work reasonably required to abate a violation of this Article, the Contractor shall remain fully responsible for performing the work in accordance with this Article and the Contractor's permit, and shall be subject to any applicable fine, penalty, or other remedy in addition to the payment imposed pursuant to this paragraph.

### 3. Fines and Penalties.

Irrespective of the Owner, Contractor, or City's correction of any violation, the Owner and Contractor shall be subject to one or more of the following fines and penalties, as may be applicable:

A. Commencing work without a permit (except emergencies):

\$500 per day until permit issued or opening repaired;

B. Violation of any General Requirement (Sec. 15-407), Excavation Standard (Sec. 15-409), or Technical Standard:

\$100 per day until corrected;

C. Failure to provide protective measure in violation of Sec. 15-408:

\$250 per day;

D. Failure to comply with written or oral notice of violation:

\$500 per day.

The violation of any requirement or standard under this Article shall constitute a separate offense and shall be subject to a separate fine or penalty as set forth herein.

The City Attorney is hereby authorized to commence legal action on behalf of the City in the Maine District Court for the imposition by the Court of such fines and penalties, and any other remedy available at law or in equity, and to enforce and collect the same.

#### 4. Permit Invalidated; Additional Permits Prohibited.

A violation of any provision of this Article, of a permit issued pursuant to this Article, or of a standard or requirement imposed by this Article, if uncorrected by the Contractor as provided under paragraph 2(A) of this section, shall be deemed to invalidate all other permissions previously granted to Contractor, except the requirement that the work be corrected. No street opening permit shall be issued to any such Contractor until the Director is satisfied that the Contractor has abated its violation and fully complied with all the requirements of this Article.

#### **Sec. 14-413 Annual Utility Work Plans.**

Prior to March 31 of each year, all utilities having existing or proposed underground utility facilities in any street or other public place in the City shall file with the Director such utility's proposed work program for the ensuing construction season. Such annual work plan need not include provisions for emergency excavations or private service line excavations. The City may deny applications for street opening permits for excavations required to be, but not included in such utility's annual work plan.

**State Law Reference:** 14 M.R.S. § 871; 35-A M.R.S. §§ 2301-2522;  
23 M.R.S. §§ 3301 – 3360-A.

**Cross Reference:** Ch. 15, Art. I, §§ 15-118, 15-123, 15-132, 15-133, and 15-145.

Sponsor: Councilor Pritchett

Originator: City Manager

Postponed 5/9/16 to 6/13/16  
Postponed 6/13/16 to 7/11/16  
Postponed 7/11/16 to 8/8/16

First Reading 4/11/16  
First Publication 4/21/16  
Public Hearing 5/9/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT # 9  
IN CITY COUNCIL

April 11, 2016

**ORDINANCE AMENDMENT** Off-Street Parking – Driveways, Curb Cuts & Culverts

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, SECTION 19-307 Off-Street Parking, Design Standards, BE AMENDED AS FOLLOWS:**

**Sec. 19-307 Off-Street Parking**

\* \* \*

**5. Design Standards for Off-Street Parking.**

\* \* \*

**B. Access to Off-Street Parking.**

\* \* \*

(7) **Curb and Sidewalk Construction.** When driveways are cut into existing curbing and sidewalks, curbing must be cut back at least four (4) feet on each side of the driveway opening. Replacement curbing, in kind, must be re-laid with ends tapered from seven (7) inches high (or from the height of the existing curbing) to no more than one and one half (1½) inches high at the driveway. When driveways are constructed to slope toward the gutter line of the street, the grade shall be no less than ¼ inch per foot and no more than ½ inch per foot across the complete width of the sidewalk. All work shall be done at the expense of the applicant, shall meet the applicable standards in the Technical Standards Manual, and shall be performed to the satisfaction of the Director of Public Works.

(8) **Culverts.** Whenever the installation of a culvert underneath a new driveway is deemed necessary to maintain street side drainage, the property owner shall obtain a street opening permit from the City pursuant to Chapter 15, Article IV and shall cause the installation of the culvert in conformance therewith. Alternatively, the property owner may petition the City for such an installation and the City may install the same, ~~provided that the property owner, at the property owner's expense, upon the property owner's submittal of the requisite street opening permit fee and performance his own expense, furnish a culvert satisfactory to the City.~~ Such culvert shall thereafter be maintained by the City, except that the failure of the original installation may be charged to such performance guarantee.

\* \* \*

**9. Driveway and Curb Cut Permits.**

- A. Permits. No person, corporation or other legal entity shall construct or maintain a driveway entrance or approach or cut any curb within the right-of-way of any City street within the Urban Compact District without approval of the Planning Board or a written permit from the Code Enforcement Officer. A permit or Planning Board approval shall also be required for any change in location or grade, or any change in degree or kind of use of an existing driveway, entrance or approach. The permit application form, provided by the Code Enforcement Office, shall be completed and submitted for approval along with the appropriate fee listed in Section 11-402, Land Use Fee Schedule. The Director of Public Works and the Chief of Police or their authorized agents shall make recommendations and countersign each permit application. In the event the establishment of the curb cut or driveway is determined, in the sole discretion of the Code Enforcement Officer or Director of Public Services, to require the installation of a culvert or other disturbance that may affect the stability of any sidewalk or paved road, the property owner shall obtain a street opening permit pursuant to Chapter 15, Article IV, and perform the installation and work in conformance with the requirements of that Article and applicable provisions in the Technical Standards Manual.
  
- B. Review Criteria. The permit-issuing authority shall ensure compliance with the standards in Subsection 19-307.5.B and other applicable standards in Section 19-307 when reviewing applications for new and changed driveways. Safe access with respect to grades, intersections, vehicular and pedestrian traffic volume, schools, housing for the elderly and handicapped, other traffic generators, and any other elements to adequately protect and promote the safety of the traveling public shall be considered. In no case shall reasonable ingress and egress to property abutting a City street be denied.
  
- C. Penalty. Whoever violates any of the provisions of this Section or the rules and regulations made under the authority thereof shall be punished by a fine of not more than one hundred (\$100) to twenty-five hundred (\$2,500) per day as provided in 30-A, M.R.S. §4452.

Sponsor: Councilor Pritchett

Originator: City Manager

First Reading 4/11/16  
First Publication 4/21/16  
Public Hearing 5/9/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

Postponed 5/9/16 to 6/13/16  
Postponed 6/13/16 to 7/11/16  
Postponed 7/11/16 to 8/8/16

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #12  
IN CITY COUNCIL**

April 11, 2016

**ORDINANCE AMENDMENT Disposition of Lien-Acquired Property**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, SECTION 2-509, Regulations Governing Purchase and Sale of Property, BE AMENDED AS FOLLOWS:**

**Sec. 2-509 Regulations Governing Purchase and Sale of Property**

15. Disposition of Real Estate Acquired by Tax Lien or Sewer Lien Foreclosure. When real estate is acquired through the automatic, statutory foreclosure on municipal tax or sewer liens ("Lien-Acquired Property"), the following procedures shall apply:

A. The City Manager shall promptly inform the City's insurance carrier and secure property and liability insurance coverage for Lien-Acquired Property where appropriate;

B. The Rockland Code Enforcement Officer or his designee shall inspect Lien-Acquired Property as soon as possible after acquisition, and inform the City Council and City Manager of the physical condition of the property;

C. The City Manager shall notify the former owner or owners of Lien-Acquired Property who are eligible for reconveyance of the property pursuant to Subsection 2-509(15)(D)(3) and shall invite each such owner to make a written request that the City Council reconvey the acquired property to such former owner. Any such request for reconveyance must be served upon the City Manager within thirty (30) days of the City Manager's notice required by this paragraph;

D. The City Council may dispose of Lien-Acquired Property by one of the following methods:

~~(1) Sell the property either through the following methods: after seeking competitive bids as set forth in this Chapter; or~~

(a) Solicitation of public bids as set forth in this Chapter;

(b) Sale by solicitation of limited bids where the market of the property appears limited to a few potential purchasers;

(c) Sale to an abutter without bid process where the nature of the property is such that only an abutter would have any interest in acquiring the real estate;

(d) Gift the property with or without compensation to the City where it is deemed to be in the city's best interests (i.e. conveyance of property to a non-profit entity providing a service of benefit to the citizens of Rockland, or disposition of real estate to put the property back on the tax roles etc.)

First Reading 4/11/16  
First Publication 4/21/16  
Public Hearing 5/9/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

Sponsor: Councilor Geiger

Originator: City Manager

Postponed 5/9/16 to 7/11/16

Postponed 7/11/16 to 8/8/16

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, TJI joists or similar low-mass engineered products, unprotected steel or unprotected engineered carrying beams such as, but not limited to LVL, Microlam, etc.;~~
  - (iii+) 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

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 #18

IN CITY COUNCIL

July 11, 2016

**ORDINANCE AMENDMENT** Licensing of Bed & Breakfast Establishments, Inns, Motels & Hotels

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits, And Franchises, ARTICLE II, Licenses, When Required, SECTION 11-210, Lodging Houses and Short-Term Rentals, 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 House, Bed and Breakfast Establishment, Inn, Motel, or Hotel 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 building other than a 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.

Sponsor: Councilor Clayton

Originator: City Clerk

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 #19  
IN CITY COUNCIL**

July 11, 2016

**ORDINANCE AMENDMENT – Site Plan Review; Environmental Impact Assessment**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 16, Subdivision and Site Plan Review, ARTICLE II, Site Plan Review Ordinance, SECTION 16-203 Elements of the Site Plan, BE AMENDED AS FOLLOWS:**

**Sec. 16-203 Elements of the Site Plan**

\* \* \* \*

16. Environmental Impact Assessment (EIA). When deemed necessary by the Planning Board, applicants for the construction of any industrial development, or any development of land five acres or more in area, or more than three structures with a combined footprint of 10,000 square feet or more, shall pay for an EIA performed by the City. All approvals of such applications will be subject to the results of the EIA. For the purposes of this section, Environmental Impact Assessment (AIE) shall mean a process of evaluating the likely environmental impact of a proposed project or development, taking into account inter-related socio-economic, cultural and human health-related impacts, both beneficial and adverse.

[Re-number remainder of Section accordingly]

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

First Reading 7/14/16  
First Publication 7/21/16  
Public Hearing 8/8/16  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

## MEMORANDUM

To: Mayor MacLellan-Ruf  
City Councilors

From: Rockland Planning Board

Date: July 28, 2016

Re: Ordinance Amendment #19-2016  
*Environmental Impact Assessment*

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The Planning Board reviewed proposed Ordinance Amendment #19-2016 at the Board's July 19, 2016, meeting. I write to summarize multiple concerns with the proposal identified by the Board. Rather than attempt to propose revisions, or a substitute ordinance, the Planning Board recommends that the current proposal be either defeated, or tabled, and that further information be provided regarding the intent and need for the proposed Environmental Impact Assessment.

The Planning Board's concerns are threefold. First, the EIA proposed in the ordinance appears calculated to produce information regarding the "environmental impact" of an eligible project, "taking into account inter-related socio-economic, cultural and human health-related impacts, both beneficial and adverse." It was not clear to us what this means. Moreover, information requested of applicants necessarily must be intended to inform the Board how the project satisfies the standards for approving an application, which are listed in Section 16-204. These standards relate, generally, to traffic, burden on public facilities, landscaping, drainage, lighting, fire hazards, water, sanitary sewer and solid waste disposal, signage, and general compliance with other ordinances. The Board's site plan standards do not require, or allow, an assessment of an applicant's likely impact on the environment generally, nor as to its impact on socio-economic, cultural, or the amorphous "human health-related impacts."

Second, the Planning Board already has the authority to request studies and other technical information, and peer review of the applicant's resulting submittals, under Section 16-203(18):

18. Technical Review Fee. The Planning Board, in the review of any application, may refer said application presented to it to such engineer, traffic professional, environmental expert, attorney or other professional that the Board

shall deem reasonably necessary to enable it to review said application as required by law. Such review shall not be a substitution for any technical submissions as required by Ordinance or requested by the Board, but rather shall constitute a third party review of any of the applicant's submissions. The Board may waive such third party review if it is determined that the scale or nature of the project does not warrant it. Fees charged by such professionals shall be in accord with fees usually charged for such services in the region and pursuant to a contractual agreement between the City and such professional. All such charges shall be paid by the City through an escrow account established in accordance with Section (19) below.

Against that backdrop, and because the proposed EIA does not necessarily provide information helpful to applying the site plan standards, the Board feels that the proposed, optional requirement of an EIA is not necessary.

Third, the proposed text leaves many unanswered questions, which should be addressed were the ordinance to be re-fashioned so as to elicit information pertinent to one or more of the site plan standards. For example, it is not clear what "industrial development" is intended to mean, and it should be defined. Would "industrial development" include a brew pub, or an auto body shop? It is not stated whether the second trigger for an EIA – "development of land five acres or more in area" – refers to the total parcel size, or to developed area and, if the latter, what type of development counts toward the total. As to the third trigger – "more than three structures with a combined footprint of 10,000 square feet or more" – it is equally problematic. What about a single building that exceeds the 10,000 sq. ft. threshold? Under the current text, it would not be susceptible to EIA review unless it were industrial development. Similarly, what happens when a developer constructs staged development, adding additional buildings that, if constructed in one phase, would have triggered EIA review under this test?

These, then, are some of the Board's concerns that prompted the Board to recommend that Ordinance Amendment 19-2016, at least in its current form, not be adopted by the Council.



Erik Laustsen, Chair

**CITY OF ROCKLAND, MAINE**  
**ORDINANCE AMENDMENT #20**  
**IN CITY COUNCIL**

July 11, 2016

**ORDINANCE AMENDMENT – Industrial Zone Regulations – Health & Fitness Facilities**

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

**17. Industrial Zone "I" Regulations.**

\* \* \* \*

- (1) Permitted Uses
  - (a) Automobile body shops;
  - (b) Banks;
  - (c) Community and civic buildings and uses for philanthropic reasons;
  - (d) Construction services;
  - (e) Distribution businesses;
  - (f) Health and Fitness Facilities

[Re-Letter remainder of section appropriately]

Sponsor: Councilor Clayton  
Originator: Councilor Clayton

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 #21**  
**IN CITY COUNCIL**

July 11, 2016

**ORDINANCE AMENDMENT – Special Traffic Restrictions – Weight Limit, Oliver Street**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic and Vehicles. SECTION 17-808, Schedule VIII, Special Traffic Restrictions (2) Weight Limits, BE AMENDED AS FOLLOWS:**

**Sec. 17-808 Schedule VIII. Special Traffic Restrictions**

\* \* \* \*

**2. Weight Limits.**

For the purpose of avoiding unsafe conditions or excessive damage to the affected streets, vehicular travel over the following streets shall be limited to vehicles under twenty thousand (20,000) pounds in gross registered weight, with the exception of emergency vehicles; school buses; vehicles used in the repair and maintenance of utilities, streets, and sidewalks; vehicles used in the delivery of home heating oil and operating in accordance with a permit issued by the Maine Department of Transportation; non-commercial vehicles owned or leased by a resident of such streets; and vehicles used in the collection of municipal solid waste from, the delivery of goods to, or the construction, maintenance, or repair of buildings accessed by said streets within Rockland city limits whose drivers present to the investigating police officer or his designee a delivery order or other documentation that such vehicle or equipment is traveling to or from such a property.

- A. Luce Avenue.
- B. Crescent Street.
- C. Scott Street.
- D. Field Street. Eff: 7/14/93
- E. Pleasant Street. Pleasant Street easterly from Belvidere Street to Union Street. Eff: 7/13/94
- F. Waldo Avenue. Eff: 08/13/03
- G. Samoset Road. Eff: 06/08/05
- H. Glen Street Eff: 11/12/10
- I. Oliver Street

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

Sponsor: Councilor Ackor  
Originator: Oliver Street Residents

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #22  
IN CITY COUNCIL**

August 8, 2016

**ORDINANCE AMENDMENT** Authorizing Lease to Own Contract – Capital Equipment

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

THAT, pursuant to Charter Section 702(c), and Chapter 2, Section 2-105 of the City Code, the City Manager is hereby authorized to solicit competitive bids and to enter into a Lease-to-Own contract, having a term of no more than five years, in a total principal amount not to exceed \$361,200, for the acquisition of the following, approved capital equipment:

- Network Upgrades
- Police Vehicle with Equipment
- Fire Department Command Vehicle
- Public Services Department - Diesel Straw Blower
- Public Services Department - Compressor
- Public Services Department – Loader/Sidewalk Snow Blower

Sponsor:  
Originator: City Manager

<b>2017 Lease to Own Contract</b>		
<b>Department</b>	<b>Equipment</b>	<b>Amount</b>
Technology	Network Upgrade	\$160,000
Police	Police Vehicle w/Equipment	\$31,000
Fire	Command Vehicle	\$57,500
Public Services	Diesel Straw Blower	\$28,000
Public Services	Compressor	\$14,700
Public Services	Loader/Sidewalk Snow Blower	\$70,000
	<b>TOTAL</b>	<b>\$361,200</b>

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #23  
IN CITY COUNCIL**

August 8, 2016

**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$10,000,000 TO FINANCE THE COST OF REPAIRS AND IMPROVMENTS TO THE CITY'S WATER POLLUTION CONTROL FACILITY AND WASTE WATER COLLECTION SYSTEM, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.**

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

**Section 1.** Subject to Section 2 hereof, an amount not to exceed \$10,000,000 is hereby appropriated to finance the cost of Repairs and Improvements to the City's Water Pollution Control Facility and Waste Water Collection System, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

**Section 2.** For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$10,000,000.

**Section 3.** Subject to this ordinance, the City Charter, and all other applicable laws and such orders, or resolutions as may hereafter be adopted by the City Council fixing the terms and details of the bonds or notes to be issued to finance such appropriation, the Director of Finance of the City, with the approval of the Mayor, is authorized to take all steps necessary and expedient in respect to the aforesaid borrowing.

Sponsor:  
Originator: City Manager

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

August 8, 2016

**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$1,100,000 TO FINANCE THE COST OF REPAIRS TO THE ROCKLAND PUBLIC LIBRARY BUILDING ENVELOPE, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.**

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

**Section 1.** Subject to Section 2 hereof, an amount not to exceed \$1,100,000 is hereby appropriated to finance the cost of Repairs to the Rockland Public Library Building Envelope, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

**Section 2.** For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$1,100,000.

**Section 3.** Subject to this ordinance, the City Charter, and all other applicable laws and such orders, or resolutions as may hereafter be adopted by the City Council fixing the terms and details of the bonds or notes to be issued to finance such appropriation, the Director of Finance of the City, with the approval of the Mayor, is authorized to take all steps necessary and expedient in respect to the aforesaid borrowing.

Sponsor:  
Originator: City Manager

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #25  
IN CITY COUNCIL**

August 8, 2016

**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$3,100,000 TO FINANCE THE COST OF ROAD REPAIRS, RESTRUCTURING AND RESURFACING, AND OTHER INFRASTRUCTURE IMPROVMENTS, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.**

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

**Section 1.** Subject to Section 2 hereof, an amount not to exceed \$3,100,000 is hereby appropriated to finance the cost of Road Repairs, Restructuring and Resurfacing, and Other Infrastructure Improvements, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

**Section 2.** For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$3,100,000.

**Section 3.** Subject to this ordinance, the City Charter, and all other applicable laws and such orders, or resolutions as may hereafter be adopted by the City Council fixing the terms and details of the bonds or notes to be issued to finance such appropriation, the Director of Finance of the City, with the approval of the Mayor, is authorized to take all steps necessary and expedient in respect to the aforesaid borrowing.

Sponsor:  
Originator: City Manager

**PROPOSED ROAD REPAIRS, RESTRUCTURING & RESURFACING  
AND OTHER INFRASTRUCTURE IMPROVEMENTS**

<b><u>Project</u></b>	<b><u>Estimated Cost</u></b>
Atlantic Street (Mechanic to Crescent)	\$ 66,453.00
Broadway (Pleasant to Gordon Drive)	\$ 114,953.00
Limerock Street (Broadway to Old County Road)	\$ 526,000.00
Lovejoy Street (Thomaston to Holmes)	\$ 80,349.52
Old County Road (Urban Compact Line to Rt. 17)	\$ 132,000.00
Park Drive (Main to Tillson)	\$ 126,866.25
Rt. 73 (So. Main St) (Park Street to Owls Head Town Line)	\$ 400,000.00
Talbot Avenue (Top of Hill to Old County Road)	\$ 349,050.00
Talbot Avenue (Union to Broadway)	\$ 197,347.50
Thomaston Street (Broadway to Thomaston Town Line)	\$ 191,709.00
Thomaston Street (Rt. 73 [So. Main] to Broadway)	\$ 110,514.60
Winter Street (Main to Commercial)	\$ 160,000.00
Fiber Optics Network Upgrade	\$ 400,000.00
	<hr/>
<b>Total (with 7% contingency)</b>	<b>\$3,027,110.73</b>

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #26

IN CITY COUNCIL

August 8, 2016

**ORDINANCE AMENDMENT: Reducing the Dimensional Limitations on Dwelling Units in the Residential A and B Zones**

WHEREAS, the City seeks to encourage and accommodate compact residential development at appropriate locations, with access to public or private off-street parking or transit service, and

WHEREAS, the intent of this zone change is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types,

**NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-303, General Provisions and SECTION 19-304, Zone Regulations, SUBSECTION 1, Residential Zone "A" and SUBSECTION 3, Residential Zone "B", 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:

\* \* \*

Lot: ~~Except when reference is made to a lot of record, a "Lot" is a single tract of land located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. means a parcel of land, not divided by streets, which is devoted or to be devoted to a particular use and occupied or capable of being occupied by a building and its accessory buildings together, including any required open space.~~

~~A lot shall have frontage on a public street, with exceptions for back lots and flag lots, as noted in the definitions for those types of lots.~~

~~Structures to be used for commercial or industrial purposes shall be built only on lots with frontage on a public street, nor shall a change of use be granted allowing a single family dwelling served only by a right-of-way to be converted to commercial or industrial use. This prohibition shall not apply to dwellings in which a home occupation or profession, as defined above, is carried out.~~

Land within the lines of a public road or private road or right-of way shall not be counted as part of a lot for the purpose of meeting the area requirements of this Article even though fee title may be in the owner of the lot. No person shall reduce the size of a lot upon which structures

served by subsurface waste disposal systems are located to a size or frontage less than allowed in the applicable zone under this Article. ~~Contiguous lots in the same ownership shall be considered as one lot.~~ Wherever possible, newly created lots should be rectangular in shape, with side lot lines perpendicular to the street.

Where more than one structure occupies one lot, the lot may not be subdivided unless both resulting lots satisfy the minimum lot size, street frontage, set back, maximum building coverage, and other dimensional zone regulations for the zone(s) in which the resulting lots are located.

**Lot, Flag:** A lot ~~located~~ generally located to the rear of another lot, lacking the minimum street frontage required under applicable zone regulations, but having access to a public or private street or way, often via but with a narrow access portion of the lot extending to such the public street or way that is under. ~~The narrow access portion of the lot and the interior portion of the lot shall be in~~ common ownership or benefited by a permanently deeded right of way, and shall be suitable for ingress and egress. ~~Flag lots shall not be required to meet minimum street frontage.~~

\* \* \*

**Sec. 19-303 General Provisions**

\* \* \*

9. Flag-Lots.

A. Measurement and Layout. Land within the lines of a public road or private road or right-of way shall not be counted as part of a lot for the purpose of meeting the area requirements of this Article even though fee title may be in the owner of the lot. Wherever possible, newly created lots should be rectangular in shape, with side lot lines perpendicular to the street. No person shall reduce the size of a lot by deed or other conveyance upon which structures served by subsurface waste disposal systems are located to a size or frontage less than allowed in the applicable zone under this Article. Contiguous lots in the same ownership shall be considered as one lot.

B. Frontage and Access. All lots and parcels of land, unless deemed to constitute a larger lot consisting of two or more lots or parcels of land under common ownership, shall have either (1) frontage on a public or private street or way in conformance with applicable zone regulations, or (2) vehicular and pedestrian access to and from the nearest public or private street or way, evidence of which access is of record in the Knox County Registry of Deeds.

C. Structures. Structures to be used for commercial or industrial purposes may be located only on a lot with frontage on a public street. The City shall not approve a change of use of a single-family dwelling that is accessed by vehicles via a right-of-way rather than frontage along a public or private street to a commercial or industrial use other than approved home occupations.

D. Flag Lots. Where permitted by the applicable zone regulations, the development or

redevelopment of existing or new Flag Lots shall adhere to the following requirements, in addition to any conditions imposed by the Planning Board upon review pursuant to Chapter 16:

(1)A. Development Standards. Flag lots shall not be required to meet minimum street frontage. The access road of flag lots must contain a minimum depth of fifteen (15) inches of bank-run gravel, and must have drainage, ditches and culverts at all appropriate points. If a flag lot is used for residential purposes, only a single-family detached dwelling shall be allowed on the flag lot; if for commercial purposes, only a single commercial use and occupant shall be permitted. The access portion of flag lots used for commercial purposes shall be landscaped and buffered from adjacent residential parcels and residential zones and shall also provide access to the adjacent parcel behind which the flag lot is primarily located (the “Front Lot”), either through common ownership or deeded right of way, and such Front Lot shall not have other access to or from the street.

(2)B. Dimensional Standards. The narrow access portion of the lot shall be at least twice the length of the front setback required in the district, and shall not be included in the calculation of the minimum lot area. The access road constructed on the right-of-way must be a minimum width of:

(1) twelve (12) feet, provided that a turn-around for ambulances is established near the home, and, if the access road extends one hundred (100) feet or more from the public street, that either (a) the home is sprinkled, or (b) if not sprinkled, one bump out is provided for emergency vehicles every one hundred and fifty (150) feet, which bump out(s) shall be at least fifteen (15) feet wide and twenty (20) feet long; or

(2) eighteen (18) feet for other uses;

The plan for the access road must be approved by the Fire Chief or his designee with regard to the safe passage of fire-fighting and other emergency equipment over it. The minimum lot area of a flag lot exclusive of the narrow access portion of the lot used for ingress and egress shall be the minimum lot size of the district in which the lot is located. No part of the narrow access portion of the lot shall be less than thirty (30) feet in width or greater than fifty (50) feet in width for residential uses, and no less than fifty (50) feet in width for commercial uses. No buildings or structures shall be constructed within the narrow access portion of the lot and such portion shall not be considered in determining required setbacks. The front setback requirement shall apply to all setbacks (side and rear) of a flag lot used for residential purposes, unless such side or rear setback is greater than the front setback in that zone, in which case the setback shall be the greater of the three.

10. Dormers.

Dormers installed in a sloping roof directly above the uppermost full story of a structure shall be limited in total size as follows: the total length of the front wall(s) of the dormer(s) shall not exceed 30% (thirty percent) of the eave length of the portion of the roof in which the dormer is built; provided, however, that there shall be no restriction on the length of dormers installed in a sloping roof directly above the first story of a structure.

1140. Non-Permitted Uses. Uses that are not expressly listed as either permitted uses or conditional uses in a zone are prohibited in that zone.

\* \* \*

**Sec. 19-304 Zone Regulations**

**1. RESIDENTIAL ZONE “A”**

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar, new development and compatible in-fill development.

A. Permitted Uses

<b>RESIDENTIAL ZONE “A” PERMITTED USES</b>	
(1)	One-family dwellings
(2)	Two-family dwellings
(3)	Accessory Apartments
(4)	Home Occupations, Level 1 and Level 2, and home occupations similar in scale and impact to Level 1 and Level 2 Home Occupations.
(5)	Parcel 22-D-2 on the Assessor's Map on Summer Street and owned by Regional School Unit #13 may be used for any school purpose now enjoyed by the RSU #13 system on the adjacent property but only as long as the parcel also known as the Bradford Lot, is owned by the school system. If the parcel is ever sold, conveyed, given,  or otherwise disposed of or if the school system ceases to exist, then the use of the parcel would revert back to the other permitted uses in the zone in which it is located.
(6)	Accessory uses customarily incident to other permitted uses including private garages, and Level 1 home occupations, provided, however, that such home occupations shall be situated in the dwelling in which the proprietor of the business resides, or in a building accessory thereto and located on the same lot.

B. Conditional Uses

The following conditional uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II):

**RESIDENTIAL ZONE “A” CONDITIONAL USES**

(1)	<p><b>Bed and Breakfast Establishments.</b></p> <p>(a) <b>Parking and Buffering.</b> Off-street parking shall be provided for all vehicles of both owners and guests in either the side or rear yards of the lot. Where the lot of a bed and breakfast borders on a lot used solely for residential purposes, a buffer strip shall be maintained. The desired effect of the buffer planting is visual screening of the activity on the bed and breakfast lot. Landscaping of the lot and any buffer strips shall be reviewed and approved by the Planning Board.</p>
(2)	<p><b>Churches, Expansion of Existing, and Uses Accessory to Existing Churches.</b></p> <p>(a) For the purposes of this section, uses accessory to existing churches shall be limited to the following:</p> <ul style="list-style-type: none"> <li>(i) Meetings of church organizations.</li> <li>(ii) Religious education classes and child development programs.</li> <li>(iii) Food pantries.</li> </ul> <p>(b) In its review, the Planning Board shall take into consideration the following factors and impose conditions accordingly: 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; lighting; hours of operation.</p>
(3)	<p><b>Flag Lots</b></p>
(4)	<p><b>Funeral Homes, Expansion of Existing, and Uses Accessory to Existing Funeral Homes.</b></p> <p>(a) The Planning Board shall take into consideration the following factors and impose conditions accordingly in its review of any proposed expansion of an existing funeral home and/or uses accessory to an existing funeral home: 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; lighting; and hours of operation.</p>
(5)	<p><b>Golf Courses, Expansion of existing onto contiguous property with the following conditions:</b></p> <ul style="list-style-type: none"> <li>(a) No building(s) may be erected;</li> <li>(b) No parking space(s) may be created that are associated with the golf course use;</li> <li>(c) No artificial lighting may be installed or otherwise created for the use of the golf course.</li> </ul>
(6)	<p><b>Home Occupation, Level 3, and home occupations similar in scale and impact to Level 3</b></p>

<b>RESIDENTIAL ZONE “A” CONDITIONAL USES</b>	
	Home Occupations
(7)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(8)	Public school buildings, discontinued, used for cultural and educational purposes; public access or local governmental affairs television studios and local non-profit community radio stations and studios broadcasting at no more than 100 watts horizontal radiated power, provided that broadcasting equipment, if any, shall be either remote or via one roof-mounted whip antenna not exceeding 35 feet in height, provided that the total height of the discontinued school building and roof-mounted antenna does not exceed the total height limit set forth in Section 19-313(4); and/or elderly assisted living housing of no more than 30 units. The above-referenced use is 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.

Notice Required. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing at least 10 days prior to consideration of the conditional use by the Planning Board.

C. Prohibited Uses

<b>RESIDENTIAL ZONE “A” PROHIBITED USES</b>	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited.
(2)	Animal Restriction: No person shall keep any farm animals including but not limited to fowl, mule, donkey, sheep, goat, cattle, or swine, or non-domesticated animal, and no person shall keep any dogs or rabbits for breeding or commercial purposes, on any premises in this zone.

D. Standards

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

<b>RESIDENTIAL ZONE “A” STANDARDS</b>	
Minimum Lot Size	<del>6,400</del> <u>10,000</u> square feet sewerer lots; 20,000 square feet for non-sewered lots
Maximum Building Coverage	<del>50</del> <u>40</u> % (includes Principal and Accessory structures)
Minimum First Floor Area (Principal Structure)	<del>500</del> <u>750</u> square feet <u>(Free-standing Residential Structures of fewer than 500 sq. ft. are allowed as accessory structures)</u>
Minimum Continuous Street Frontage along one street	<del>60</del> <u>100</u> feet (Excludes Cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	Either: <u>Residential: 10</u> <del>25</del> feet** <u>Mixed-Use or Non-Residential: 25 feet</u> Or: <u>10 feet**</u>
Minimum Rear Setback	<u>25 feet from the closest structure on an adjacent lot, but no less than 8 feet from the property line</u> (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	8 feet
Minimum Side Setback (Accessory Structures)	5 feet
Maximum Building Height	35 feet and 2 ½ stories

<u>Materials – Unconnected Accessory Structures</u>	<u>Accessory structures not connected to a principal structure, except pre-fabricated utility sheds and fabric structures not exceeding 200 sq. ft. of first floor area, shall be constructed of and clad with materials of similar quality and appearance as the principal structure.</u>
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Notes:

\*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

\*\* In the case of an infill lot, the minimum front setback may be less than 25 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations.

\* \* \*

**3. RESIDENTIAL ZONE “B”**

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar development.

A. Permitted Uses

<b>RESIDENTIAL ZONE “B” PERMITTED USES</b>	
(1)	One-family dwellings, two-family dwellings, multi-unit dwellings
(2)	Accessory Apartments
(3)	Home Occupation, Level 1 and Level 2, or a home occupation similar in scale and impact to a Level 1 or Level 2 Home Occupation
(4)	Churches, convents
(5)	Flag Lots
(6)	Golf courses, parks, playgrounds, municipal recreation use
(7)	Trailer parks
(8)	Accessory uses customarily incident to other permitted uses

**B. Conditional Uses**

The following are permissible with the approval of the Planning Board. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 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; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing, at the applicant's expense, at least 7 days prior to consideration of the conditional use by the Planning Board.

<b>RESIDENTIAL ZONE "B" CONDITIONAL USES</b>	
(1)	Bed and Breakfast Establishments
(2)	Home Occupation, Level 3
(3)	Home Occupation similar in scale and impact to Home Occupation Level 3
(4)	Lodging or Rooming houses;
(5)	Nurseries or commercial greenhouses shall be allowed north or west of Old County Road only, and provided that no greenhouse heating plant shall be located within 60 feet of any front lot line or within 25 feet of any other lot line
(6)	Farming
(7)	<p>Parking Lots. Parking lots shall be allowed in a Residential Zone "B" only with the following additional restrictions:</p> <ul style="list-style-type: none"> <li>(a) Any parking lot located in a Residential Zone "B" shall be for the exclusive use of employees of the business requesting the special exception.</li> <li>(b) The parking lot shall be closed off and unavailable for use when the business requesting the special exception is not in operation.</li> <li>(c) No parking spaces shall be rented for profit.</li> <li>(d) Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business.</li> </ul>
(8)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(9)	Schools and Day Care Facilities
(10)	Quasi-Public Uses

(11)	Any public utility building, if constructed to conform and harmonize with the buildings in this zone, provided further that the proposed use does not include a storage or service yard or repair shop, or outside storage of supplies.
(12)	On lots served by public sewerage, Assisted Living Facilities, and multi-family dwellings that include an Assisted Living Facility.

C. Prohibited Uses

<b>RESIDENTIAL ZONE “B” PROHIBITED USES</b>	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise or vibration is prohibited

D. Standards

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

<b>RESIDENTIAL ZONE “B” STANDARDS</b>	
Minimum Lot Size	6,400 square feet for sewered lots 20,000 square feet for non-sewered lots
Required Lot Area for Dwellings with two or more units	Sewered lots, except Assisted Living Facilities: <del>2,500</del> <u>5,000</u> square feet for each unit; Non-sewered lots: 20,000 square feet for the first unit, plus 10,000 for each additional unit.
Maximum Building Height	35 feet and 2½ stories
Maximum Building Coverage	<del>75</del> <u>60</u> % (includes Principal and Accessory Structures)
Minimum Floor Area (Principal Structure Total Floor Area)	<del>500</del> <u>750</u> square feet <u>(Free-standing Residential Structures of fewer than 500 sq. ft. are allowed as accessory</u>

**RESIDENTIAL ZONE “B” STANDARDS**

	<u>structures)</u>
<u>Maximum Floor Area – Unconnected Accessory Structures</u>	<u>Residential accessory structures not connected to a principal structure shall have a total first floor area of no more than 750 square feet</u>
Minimum Continuous Street Frontage along one street	<u>50</u> <del>80</del> feet (Excludes cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	<u>Residential Structures: N/A</u> <u>Mixed-Use and Non-Residential Structures: 10</u> <del>15</del> feet**
Minimum Rear Setback	<u>8</u> <del>20</del> feet (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	<u>8</u> <del>5</del> feet [ <u>Comps - 12/15/15</u> ]
Minimum Side Setback (Accessory Structures)	5 feet

Notes:

\* See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

\*\* In the case of an infill lot, the minimum front setback may be less than 10 ~~15~~ feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations.

Sponsor: Councilor Geiger  
Originator: Councilor Geiger

**CITY OF ROCKLAND, MAINE**

**ORDER #36**

**IN CITY COUNCIL**

June 13, 2016

**ORDER** Appropriation of Funds – Multi-Town Street Light Project

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

**THAT** the City Manager is hereby authorized to appropriate \$25,000 from the Undesignated Reserve Account (#10000-02970) to the Multi-Town Street Light Account (#40143-03700) and use those funds in continuation of the project.

Sponsor: City Manager

Originator: City Manager

*Postponed 6/13/16 to 8/8/16*

**CITY OF ROCKLAND, MAINE**

**ORDER #47**

**IN CITY COUNCIL**

August 8, 2016

**ORDER Amending Land Use & Inspection Fee Schedule**

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

THAT the Land Use and Inspection Fee Schedule is hereby amended and adopted as follows:

<b>Building Permit Fees:</b>	<b>All fees rounded to the nearest dollar.</b>
<b>Residential (1 and 2 family dwellings)</b>	
<b>Application Fee (non-refundable)</b>	\$50 except for residential fences; \$35
<b>Permit Fees</b>	<b>Cost in addition to Application Fees (Beginning work without a permit subject to double permit fee)</b>
New construction or addition that creates habitable floor area, other than attached or unattached accessory buildings and decks (see below) <sup>1</sup>	\$.24 per square foot of total floor area (excluding unfinished non-daylight basements and uninhabitable attics) <sup>2</sup>
Renovations and repairs involving structural alterations	\$3.30 per \$1000 value of construction <sup>3</sup>
Residential garages, sheds and other accessory buildings <sup>4</sup>	\$.20 per square foot of building footprint.
Decks, porches, stairs, ramps, etc.	\$.17 per square foot
Fences (residential only)	\$35 flat fee
Flag Lots (requiring PB review)	\$100
Flag Lots (not requiring PB review)	\$ 50
Home Occupation (not requiring Planning Board (PB) review)	\$60 (plus any fees required above)
Home Occupation (requiring PB review)	\$135
<sup>1</sup> Additions such as dormers calculated by area of room(s) affected	
<sup>2</sup> It is assumed that all habitable areas will eventually be finished.	
<sup>3</sup> Value of construction includes cost of all materials and labor after subtracting cost of electrical, plumbing and other aspects permitted separately.	
<sup>4</sup> For habitable spaces above or within accessory structures (i.e. game rooms, office, bedrooms, etc.) fees are calculated as new construction creating habitable floor area.	
<b>Non-Residential &amp; Multi-family (3 or more units)</b>	
<b>Application Fee (non-refundable and in addition to permit fee)</b>	\$85
<b>Permit Fees</b>	<b>Cost in addition to Application Fees (Beginning work without a permit subject to double permit fee)</b>
New construction or additions, including decks, platforms, ramps and accessory buildings	\$.28 per square foot of total floor area (excluding unfinished/unoccupied non-daylight basements and uninhabitable attics)
Renovations and/or repairs involving structural alterations and alterations requiring Code Office plans review <sup>5</sup>	\$5.50 per \$1000 value of construction <sup>6</sup> or \$25 minimum
Change of Use (not requiring Planning Board review)	\$100 (plus any fees for additions or renovations required above)
Fences	\$85

<sup>5</sup>Alterations that affect Building Code and/or Life Safety Code aspects of construction (i.e. change in floor layout, new doors, new equipment, etc.

<sup>6</sup>Value of construction includes cost of all materials and labor after subtracting cost of electrical, plumbing and other aspects permitted separately.

**Other Fees:** (Both residential and non-residential. No application fee)

<b>Contract/Conditional Zoning Application</b>	\$750
<b>Demolition Permit</b>	\$60 plus deposit as provided in Section 4-304(c)
<b>Demolition Escrow, pursuant to Ch. 4, Art. VI, Sec. 4-603(3)</b>	<p><b>A. Structures not on foundations</b></p> <p>(1) 501-1000 feet \$ 200.00</p> <p>(2) Each additional 500 square feet \$ 100.00</p> <p><b>B. Structures with foundations</b></p> <p>(1) Volume up to 200 cubic yards \$ 600.00</p> <p>(2) Volume up to 400 cubic yards \$1,100.00</p> <p>(3) Volume up to 600 cubic yards \$1,500.00</p> <p>(4) Volume up to 800 cubic yards \$1,800.00</p> <p>(5) Volume up to 1000 cubic yards \$2,000.00</p> <p>(6) Volume up to 2000 cubic yards \$3,500.00</p>
<b>Domesticated Chickens Permit</b>	\$25
<b>Driveway Permit</b>	\$40
<b>Electrical Permit</b>	\$50 plus \$1 per fixture outlet
<b>Floodplain Permit Fees:</b>	
<b>New Structure or Substantial Improvements</b>	\$50
<b>Minor Development</b>	\$25
<b>Multi-Family Dwelling Re-inspection Fee</b>	\$100
<b>Moving of Building Fee</b> (City Council approval required if over public street)	\$60 plus cost public safety services if needed (traffic direction)
<b>Plumbing Permit</b>	\$10 per fixture with a minimum fee of \$64
<b>Pod &amp; Temp Storage Containers</b>	\$25
<b>Short-Term Rentals</b>	<u>\$100 (for one-time Planning Board Review, includes first year's permit fee)</u>
<b>Sign Permit</b>	\$60 for the first sign plus \$25 for each additional sign
<b>Sewer Connection</b>	\$60
<b>Sidewalk Display Permit</b>	\$10 per year
<b>Sidewalk Tables &amp; Chairs Permit</b>	\$25 per table
<b>Street Excavation Permit Fee</b> (see Ch. 15, Art. IV)	\$60
<b>Site Plan Review</b>	
Pre-application meeting	\$60
New Buildings and additions	\$210 plus \$.03per square foot of total floor area. Maximum combined fee: \$700
Fabric Structures requiring Planning Board review in accordance with 4-604	Residential: \$50; Commercial: Same as New Building (above)
Change of Use (if PB review is required)	\$135 for uses requiring less than 15 parking spaces, otherwise \$185
Home Occupation (requiring PB review)	\$135
Public Hearing Fee	\$110
Revisions to Approved Plan	\$100
<b>Subdivision Review</b>	For projects involving one lot with multi-family dwellings (apartments) where both Site Plan and Subdivision Review are required, only Site Plan Review fees shall apply.
Pre-application meeting	\$60
Public Hearing Fee	\$150
Preliminary Plan, all but one lot fronting existing street <sup>7</sup>	\$160 plus \$60 per lot or per dwelling unit <sup>8</sup>

Final Plan, all but one lot fronting existing street <sup>9</sup>	\$50 per lot or per dwelling unit
Preliminary Plan, with new street(s) creating lot frontage <sup>9</sup> or serving multiple homes on commonly owned land	\$160 plus \$110 per lot or per dwelling unit
Final Plan, with new street(s) creating lot frontage <sup>8</sup>	\$50 per lot or per dwelling unit
Amendment to property line(s), or other revisions in approved subdivision (not creating new lots) <sup>10</sup>	\$110
<sup>7</sup> Permits one flag (rear) lot. <sup>8</sup> Commonly owned land or duplex, \$50 each dwelling. <sup>9</sup> Streets which are likely to be accepted by the City. Not access drive to multi-family dwelling. <sup>10</sup> Scaled back PC review, but must be recordable plan.	

<b>Zoning Board of Appeals</b>	
Administrative appeals and variances	\$160
Special class or temporary structure	\$200
Renewal of temporary structure ( for one additional year)	\$60

Sponsor: City Manager  
Originator: Code Enforcement Officer

**CITY OF ROCKLAND, MAINE**

**ORDER #48**

**IN CITY COUNCIL**

August 8, 2016

**ORDER Amending Licenses & Permits Fee Schedule**

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

THAT the Licenses and Permits Fee Schedule is hereby amended and adopted as follows:

<b>LICENSE</b>	<b>FEE</b>
Adult Amusement Stores	\$150
Amusement Device License	
1 device	\$125
2 to 5 devices	\$250
6 to 10 devices	\$375
Over 10 devices	\$500
Auctioneer, Non-Resident	\$ 50
Bowling Alleys	\$100
Carnival or Amusement Rides	
First Day	\$100
Each additional day	\$ 50
Circus	\$500
Dances (per dance)	\$ 50
Dances and Festivals, etc.	
Over 200 persons per dance	\$150
<u>Domesticated Chickens Permit</u>	<u>\$ 25</u>
Employment Agency	\$150
Exhibitions and Shows per day (excluding carnivals or circuses)	\$ 50
Hawkers and Peddlers per license duration (no more than 1 week)	\$ 75
Itinerant Vendors	\$ 75
Junk Yard	\$200
Lodging Houses	\$100
- <u>Short Term Rentals</u>	<u>\$100</u>
Motion Picture House/Theater (per screen)	\$150
Parking Permits:	
Custom House Parking Lot:	
Monthly	\$ 40
Annual	\$440
Winter Parking (Thorndike Lot, Harbor Park, Buoy Park, December 1 to April 1)	\$ 25
Replacement Permits	\$ 2
Pawnbroker	\$100
Pool Rooms (incl. billiard rooms)	\$100

Rifle Ranges	\$100
Rollerskating Rinks	\$100
Second Hand Merchant	\$100
Shooting Galleries	\$100
Sidewalk Display	\$ 10
Sidewalk Tables and Chairs (per table)	\$ 25
Special Amusement Permit (Entertainment)	
With State of Maine Liquor License	\$150
Without State of Maine Liquor License	\$ 75
Taxicabs	
Each taxicab	\$ 50
Driver's license (plus background check fee)	\$ 20
Victualers	
Food consumed on premises with State of Maine Liquor License	\$150
Food consumed on premises without State of Maine Liquor License	\$100
Take-Out only	\$ 50

Sponsor: City Manager  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**ORDER #49**

**IN CITY COUNCIL**

August 8, 2016

**ORDER** Authorizing Tax Anticipation Note Borrowing

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

**VOTED:** That, pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, the Director of Finance is hereby authorized and empowered to borrow money from time to time during the fiscal year ending June 30, 2017, singly or in series, in an amount or amounts not exceeding \$1,500,000 at any one time outstanding, in anticipation of the collection of receipts from taxes, such borrowing to be evidenced by the issuance of the City's tax anticipation notes (the "Notes").

**VOTED:** That the Notes shall be issued in the name of and on behalf of the City, at one time or from time-to-time, in an amount not to exceed \$1,500,000 and that the interest rate, maturities, and denominations for the Notes shall be established by the Director of Finance following her solicitation of bids, and shall contain such other terms and provisions, not inconsistent herewith, and be in such form as shall be approved by the officers and officials signing the same, which approval shall be conclusively evidenced by their execution thereof.

**VOTED:** The Notes, and any extensions, renewals, or replacements thereof, shall be signed in the name of and on behalf of the City by the Director of Finance and countersigned by the Mayor, attested to by the Clerk, and shall be payable on or before June 30, 2017, out of money raised by taxation during the fiscal year ending June 30, 2017.

**VOTED:** That the Director of Finance be, and hereby is authorized to prepare and distribute a Notice of Sale of the City, or other suitable document for use in soliciting bids from financial institutions.

**VOTED:** That the Director of Finance be and hereby is authorized to designate the Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

**VOTED:** That the Director of Finance be and hereby is authorized to covenant with the purchaser of the notes, in the name of and on behalf of the City and for the benefit of the holders of the notes, that the City shall take whatever steps, including filing any reports and rebating any excess earnings, as may be required by federal law, and shall refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes will remain exempt from federal income taxes.

**VOTED:** That the officers executing the notes be and hereby are individually authorized to covenant, certify, and agree, in the name of and on behalf of the City and for the benefit of the holders of the notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

**VOTED:** That the Director of Finance, Mayor, and Clerk be and hereby are authorized and empowered in the name of and on behalf of the City to undertake all such acts and things and execute and deliver all such documents and certificates as may be necessary or convenient in connection with the issuance, sale, execution, and delivery of the notes.

**VOTED:** That if the Director of Finance, Mayor, or Clerk are for any reason unavailable to approve and execute the notes or any related documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself/herself performed such act.

Sponsor: City Manager  
Originator: Finance Director

**CITY OF ROCKLAND, MAINE**

**ORDER #50**

**IN CITY COUNCIL**

August 8, 2016

**ORDER** Adopting Declaration of Official Intent and Establishing Date for Public Hearing on Bond Ordinance – Water Pollution Control Facility and Collection System Repairs and Improvements

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

**THAT, WHEREAS,** the City desires to borrow up to a maximum amount of \$10,000,000 for purposes financing repairs and improvements to the City's Water Pollution Control Facility and Collection System, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

**WHEREAS,** the provisions of Treasury Regulation § 1.150-2 require that the Declaration of Official Intent be adopted by the City in order for the City to reimburse itself for costs of the project with proceeds from the issuance of tax-exempt bonds;

**NOW, THEREFORE,** it is hereby

**ORDERED:** That the Declaration of Official Intent attached hereto be and hereby is adopted; and

**ORDERED:** That Bond Ordinance #23, incorporated herein by reference, be scheduled for a public hearing to be held on September 12, 2016; and

**ORDERED:** That the City Clerk be and hereby is authorized and directed to publish notice of the public hearing at least seven (7) days prior to the date of the public hearing.

Sponsor: City Manager  
Originator: City Manager

**DECLARATION OF OFFICIAL INTENT**  
**TREASURY REGULATION § 1.150-2**

**WHEREAS**, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Repairs and Improvements to the City's Water Pollution Control Facility and Collection System, and such other ancillary and related costs with respect thereto;

**WHEREAS**, the Issuer intends to finance the costs of the Project through the issuance of bonds or notes in anticipation thereof; and

**WHEREAS**, certain of the costs of the Project may be paid by the Issuer prior to the issuance of notes or bonds and be reimbursed from the proceeds thereof; and

**WHEREAS**, Treasury Regulation § 1.150-2 requires that an Issuer declare its official intent to reimburse expenditures with proceeds of borrowings prior to the date of expenditure;

**NOW, THEREFORE**, the Issuer does hereby declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$10,000,000, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.
2. **General Description of Property to which Reimbursement Relates.** The description of the Project in the first recital hereto is a reasonably accurate general functional description of the type and use of the property with respect to which reimbursement will be made.
3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer and shall be maintained and otherwise supervised by its Clerk on behalf of the Issuer.
4. **Treasury Regulation.** This is a declaration of official intent pursuant to the requirements of Treasury Regulation § 1.150-2.
5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Order adopted by its City Council.

**CITY OF ROCKLAND, MAINE**

**ORDER #51**

**IN CITY COUNCIL**

August 8, 2016

**ORDER** Adopting Declaration of Official Intent and Establishing Date for Public Hearing on Bond Ordinance – Repairs to the Rockland Public Library

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

**THAT, WHEREAS,** the City desires to borrow up to a maximum amount of \$1,100,000 for purposes financing repairs to the Rockland Public Library Building Envelope, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

**WHEREAS,** the provisions of Treasury Regulation § 1.150-2 require that the Declaration of Official Intent be adopted by the City in order for the City to reimburse itself for costs of the project with proceeds from the issuance of tax-exempt bonds;

**NOW, THEREFORE,** it is hereby

**ORDERED:** That the Declaration of Official Intent attached hereto be and hereby is adopted; and

**ORDERED:** That Bond Ordinance #24, incorporated herein by reference, be scheduled for a public hearing to be held on September 12, 2016; and

**ORDERED:** That the City Clerk be and hereby is authorized and directed to publish notice of the public hearing at least seven (7) days prior to the date of the public hearing.

Sponsor: City Manager

Originator: City Manager

**DECLARATION OF OFFICIAL INTENT**

**TREASURY REGULATION § 1.150-2**

**WHEREAS**, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Repairs to the Rockland Public Library Building Envelope, and such other ancillary and related costs with respect thereto;

**WHEREAS**, the Issuer intends to finance the costs of the Project through the issuance of bonds or notes in anticipation thereof; and

**WHEREAS**, certain of the costs of the Project may be paid by the Issuer prior to the issuance of notes or bonds and be reimbursed from the proceeds thereof; and

**WHEREAS**, Treasury Regulation § 1.150-2 requires that an Issuer declare its official intent to reimburse expenditures with proceeds of borrowings prior to the date of expenditure;

**NOW, THEREFORE**, the Issuer does hereby declare its official intent as follows:

**1. Declaration of Intent.** The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$1,100,000, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

**2. General Description of Property to which Reimbursement Relates.** The description of the Project in the first recital hereto is a reasonably accurate general functional description of the type and use of the property with respect to which reimbursement will be made.

**3. Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer and shall be maintained and otherwise supervised by its Clerk on behalf of the Issuer.

**4. Treasury Regulation.** This is a declaration of official intent pursuant to the requirements of Treasury Regulation § 1.150-2.

**5. Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Order adopted by its City Council.

**CITY OF ROCKLAND, MAINE**

**ORDER #52**

**IN CITY COUNCIL**

August 8, 2016

**ORDER** Adopting Declaration of Official Intent and Establishing Date for Public Hearing on Bond Ordinance – Infrastructure Repairs and Improvements, including but not limited to road reconstruction, repair and re-paving, and updated fiber optics system.

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

**THAT, WHEREAS,** the City desires to borrow up to a maximum amount of \$3,100,000 for purposes financing Road Repair, Restructuring and Resurfacing, and Other Infrastructure Improvements, and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto; and

**WHEREAS,** the provisions of Treasury Regulation § 1.150-2 require that the Declaration of Official Intent be adopted by the City in order for the City to reimburse itself for costs of the project with proceeds from the issuance of tax-exempt bonds;

**NOW, THEREFORE,** it is hereby

**ORDERED:** That the Declaration of Official Intent attached hereto be and hereby is adopted; and

**ORDERED:** That Bond Ordinance #25, incorporated herein by reference, be scheduled for a public hearing to be held on September 12, 2016; and

**ORDERED:** That the City Clerk be and hereby is authorized and directed to publish notice of the public hearing at least seven (7) days prior to the date of the public hearing.

Sponsor: City Manager  
Originator: City Manager

**DECLARATION OF OFFICIAL INTENT**  
**TREASURY REGULATION § 1.150-2**

**WHEREAS**, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Road Repairs, Restructuring and Resurfacing, and Other Infrastructure Improvements, and such other ancillary and related costs with respect thereto;

**WHEREAS**, the Issuer intends to finance the costs of the Project through the issuance of bonds or notes in anticipation thereof; and

**WHEREAS**, certain of the costs of the Project may be paid by the Issuer prior to the issuance of notes or bonds and be reimbursed from the proceeds thereof; and

**WHEREAS**, Treasury Regulation § 1.150-2 requires that an Issuer declare its official intent to reimburse expenditures with proceeds of borrowings prior to the date of expenditure;

**NOW, THEREFORE**, the Issuer does hereby declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$3,100,000, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.
2. **General Description of Property to which Reimbursement Relates.** The description of the Project in the first recital hereto is a reasonably accurate general functional description of the type and use of the property with respect to which reimbursement will be made.
3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer and shall be maintained and otherwise supervised by its Clerk on behalf of the Issuer.
4. **Treasury Regulation.** This is a declaration of official intent pursuant to the requirements of Treasury Regulation § 1.150-2.
5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Order adopted by its City Council.

**CITY OF ROCKLAND, MAINE**

**ORDER #53**

**IN CITY COUNCIL**

August 8, 2016

**ORDER Authorizing COLA Salary Adjustment – City Clerk**

**WHEREAS**, the cost of living salary adjustments for City employees were allocated in the FY 2017 Municipal Budget, adopted by the City Council on July 6, 2016; and

**WHEREAS**, the cost of living salary adjustments were granted retroactive to July 1, 2016 for other City employees for FY 2017; and

**WHEREAS**, funds for the COLA salary adjustment for the City Clerk were budgeted for FY 2017 and are available for distribution;

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

**THAT**, pursuant to Charter Section 403, the City Manager is hereby authorized to make the following cost of living salary adjustment for the City Clerk, retroactive to July 1, 2016:

City Clerk Full-Time Payroll:	\$1,113.00
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Sponsor: Mayor MacLellan-Ruf  
Originator: Mayor MacLellan-Ruf