

REGULAR MEETING

AGENDA

August 8, 2016

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum of not more than 30 minutes (5 minute limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
 - a. City Manager’s Report
 - b. City Attorney’s Report
 - c. Other Official’s Report
 - d. Mayor’s Report
7. Licenses and Permits:
 - a. Lodging House License – Brunswick House
 - b. Taxi Company License – Joe’s Taxi (8 taxicabs)
8. Resolves:
 - #25 Multi-Town Street Light Project (Postponed 06/13/16) Councilor Pritchett
 - #33 Commendation – J. Gourde City Council
 - #34 Adopting CDBG Fair Housing Resolution City Manager
 - #35 Adopting CDBG Anti-Displacement & Relocation Plan City Manager
 - #36 Adopting CDBG Standards of Conduct City Manager
 - #37 Donations – Library City Council
9. Ordinances in Final Reading and Public Hearing:
 - # 7 Chapter 14, Section 14-316 Redundant Text (Post. 7/11/16) Councilor Pritchett
 - # 8 Chapter 15, Articles I & IV Street Opening Permits (Post. 7/11/16) Councilor Pritchett
 - # 9 Chapter 19, Section 19-307 Driveways/Curb Cuts/Culverts (Post. 7/11/16) Councilor Pritchett
 - #12 Chapter 2, Section 2-509 Lien-Acquired Property (Post. 7/11/16) Councilor Geiger
 - #17 Chapter 4, Article II Sprinkler Exemptions Councilor Geiger
 - #18 Chapter 11, Section 11-210 Licensing of B&B’s, Inns, Hotels & Motels Councilor Clayton
 - #19 Chapter 16, Section 16-203 Environmental Impact Assessment Mayor MacLellan-Ruf
 - #20 Chapter 19, Section 19-304 Industrial Zone – Health & Fitness Facilities Councilor Clayton
 - #21 Chapter 17, Section 17-808 Weight Limit – Oliver Street Councilor Ackor
10. Ordinances in First Reading:
 - #22 Authorizing Lease Contract – Capital Equipment City Council
 - #23 Bond Ordinance – Water Pollution Control Facility & Collection System City Council
 - #24 Bond Ordinance – Library Repairs City Council
 - #25 Bond Ordinance – Road Repairs, Reconstruction & Resurfacing City Council
 - #26 Bond Ordinance – Fiber Optics Broadband Network Improvements City Council
 - #27 Bond Ordinance – Old County Road Repairs Mayor MacLellan-Ruf
 - #28 Chapter 19, Article III Reducing Dimensional Limit on Dwelling Units Councilor Geiger
 - #29 Authorizing Lease Amendment – Breakwater Lighthouse; Float Councilor Ackor
 - #30 Chapter 17, Section 17-801 Parking Prohibition – Pleasant Street Councilor Ackor
 - #31 Chapter 2, Section 2-212 Expanding Public Comment Councilor Pritchett
11. Orders:
 - #36 Appropriation of Funds – Multi-Town Lighting Project (Post. 6/13/16) City Manager
 - #47 Amending Land Use & Inspection Fees – Chickens & STRs City Manager

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| #48 Amending Licenses & Permits Fee Schedule – Chickens & STRs | City Manager |
| #49 Authorizing TAN Borrowing | City Manager |
| #50 Declaration of Official Intent – Sewer Bond | City Council |
| #51 Declaration of Official Intent – Library Bond | City Council |
| #52 Declaration of Official Intent – Roads Bond | City Council |
| #53 Declaration of Official Intent – Fiber Optics Broadband Network Bond | City Council |
| #54 Declaration of Official Intent – Old County Road Bond | Mayor MacLellan-Ruf |
| #55 Authorizing COLA Salary Adjustment – City Clerk | Mayor MacLellan-Ruf |
| #56 Authorizing Details of Borrowing – Salt/Sand Shed | City Manager |
| #57 Authorizing Expenditure – Undesignated Fund Balance (O.C. Rd Repairs) | Mayor MacLellan-Ruf |

12. Adjournment.

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 207-584-9261

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: Wm Bentley License # _____

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

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

Approved Inspected; See Report Police Chief 8/1/16 Date

Approved Inspected; See Report City Clerk 8/1/16 Date

APPLICATION FOR TAXICAB LICENSE

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

Office Use Only

Date: 8/1/16

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
N/A	

(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) \$ 450 = Description:

Make	Model	Year	VIN Number	Seating
SEE Attached				

(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.

3. 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 Chapter~~ ~~Articles I and II~~ 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 Places, and any non-public property owned or controlled by the City ~~sidewalks 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 (½) 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 #___

IN CITY COUNCIL

August 8, 2016

**ORDINANCE AMENDMENT: Amending the Procedure And Adding Criteria
For the Bid Sale of Lien-Acquired Property**

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

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

* * *

13. Sales; \$5,000 or More. No municipal property, supplies, materials and equipment valued at five thousand dollars (\$5,000) or more, and no real estate regardless of its value, shall be offered for sale unless and until the City Council so orders. If such sale is authorized, it shall be conducted in the same manner, and subject to the same procedures, as hereinbefore required for purchases in amounts in excess of five thousand dollars (\$5,000), except that in the case of sales, awards shall be to the highest and best bidder, considering such factors, where appropriate, as the use to which the property will be put after the sale and the positive effect upon the City of such use, if any. The Council shall have the right to reject any and all bids. There is no local preference for sales of municipal property. The procedure in this subsection shall not apply to reconveyance to the former owner of property taken on tax or sewer lien, to which the procedures in subsection 15 (below) shall instead apply.

* * *

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 after seeking competitive bids as set forth in this Chapter and taking into consideration one or more of the factors set forth in subparagraph E; or

(2) Retain the property for later sale, City use, or other lawful disposition other than reconveyance to its former owner(s); or

(3) Reconvey the property to its former owner or owners, or to a court-appointed personal representative or executor of a deceased prior owner, only if such former owner(s) are eligible for reconveyance. A former owner is eligible for reconveyance if:

(a) The Lien-Acquired Property is, at least in part, residential (either single-family, multi-family, or mixed use);

(b) The former owner resided at the Lien-Acquired Property for at least one year prior to the statutory lien foreclosure or, where the former owner is deceased at the time of the foreclosure, at any time within the two years prior to the statutory lien foreclosure. Provided, however, that the City Council may waive this requirement where (i) the Lien-Acquired Property has been occupied by a spouse, domestic partner, or child of the former owner within the prescribed period and such occupant demonstrates a capacity to meet the requirements for reconveyance and to maintain the property following reconveyance, or (ii) the former owner has been absent from the property to obtain medical care, mental health care, rehabilitation, or similar care, and demonstrates both an intention to resume residency at the property and the capacity to meet the requirements for reconveyance and to maintain the property following reconveyance; and

(c) The former owner has not previously received title to any property by means of reconveyance of Lien-Acquired Property from the City.;

Prior to authorizing the sale of City property by any means, the City Council shall ascertain (1) whether the value of the property may be enhanced if dilapidated or unsafe structure(s) on the property are demolished, and (2) whether the City should retain any interest in the property, such as a sewer or storm water easement, right-of-way for a public trail or other public purpose, or other interest having a benefit for the community.

E. Factors to be considered in deciding what disposition to make of Lien-Acquired Property may include, but are not limited to, the value of the property to the citizens of Rockland if it is either sold or retained for City use, such as:

- (1) The physical condition of the property;
- (2) The public policy of seeking to maintain people in their homes when they have the capacity to meet their financial obligations for the property without public assistance and to maintain the property in conformance with the Property Maintenance, Life Safety, and other applicable Codes;
- (3) If the property is to be reconveyed to its former owner, the feasibility of the former owner's plan and capacity, including financial capacity, for complying with the preconditions for reconveyance set forth below, without public assistance; and
- (4) The opportunity to reuse the property as a public park, playground, or forest, or for an environmentally-beneficial use such as storm water retention;
- (5) The opportunity to create affordable housing for low- or middle-income households;
- (6) The opportunity to create workforce housing for persons employed in Rockland;
- (7) The opportunity to partner with a local business or non-profit organization in the rehabilitation and reuse of the property;
- (8) The opportunity to improve the energy-efficiency of buildings on the property;
- (9) The opportunity to combine the lot with one or more other lots for reuse for a public purpose, low- or middle-income housing, a community-based renewable energy project, or similar purpose having a community benefit; or
- (10) Any other factor(s) that the Council determines shall best serve the public's interest;

F. If the City Council authorizes the City Manager to reconvey Lien-Acquired Property to an eligible former owner or his estate pursuant to Section 2-509(15)(D)(3), the City Manager shall reconvey the property if, within sixty (60) days of the effective date of an ordinance authorizing reconveyance, the former owner shall have:

- (1) Paid all taxes, sewer charges, and lien and service costs owed to or incurred by the City, up to the date of reconveyance by the City, including amounts that would have been due had the City not become the owner of the property;
- (2) Where the property was held by the City on the first day of April preceding the reconveyance, paid an amount equivalent to the tax that would have been assessed on the property for the following fiscal year had the City not held title to the property on April 1;
- (3) Reimbursed the City for its insurance and other costs and charges incurred by the City in maintaining the property during the period of the City's ownership;

(4) Made those repairs and improvements that, in the sole discretion of the Code Enforcement Officer, are required to protect the health, safety, or welfare of any occupant of the property or any other persons, or to avoid risk of damage or loss to other property, including utilities, ways, and other public improvements;

(5) Paid interest on the tax, sewer charges, and other costs owed to or incurred by the City pursuant to the City's Cash Collection Policy;

(6) Paid the document preparation fee imposed by Subsection 2-509(17); and

(7) Paid all filing and other charges and fees imposed by the Knox County Registry of Deeds for filing the quitclaim deed and/or other documents required to effect the reconveyance.

G. If the City reconveys Lien-Acquired Property to its eligible, former owner, or his estate, the requirements of Subsection 2-509(13) relating to sale of municipal property are not applicable, except that such reconveyances must be made by ordinance;

H. In the event the eligible former owner or court-appointed personal representative of the estate of the eligible former owner fails to satisfy the preconditions set forth in Subsection 2-509(15)(F) within the deadline therefor:

(1) Such former owner and every other person residing at the property shall end their occupancy at the property, remove all personal property, and quit the premises within ninety (90) days of the effective date of the City Council's authorization of reconveyance, and

(2) The City Manager, ~~shall offer the property for sale by competitive bid pursuant to Subsection 2-509(13),~~ unless otherwise specified by the City Council in the ordinance amending authorizing the reconveyance, shall inform the City Council, identify for the Council all known parties interested in obtaining or reusing the property, and present a proposed Order authorizing a substitute disposition of the property. The City Council may order that the property be retained or offered for sale utilizing the competitive bid procedure required under and considering one or more factors identified in subparagraph E.

I. The City Council may also dispose of commercial Lien-Acquired Property by reconveying the property to its former owner by authorizing a reconveyance agreement that includes appropriate terms and conditions, including as minimum requirements the conditions imposed on reconveyance of residential Lien-Acquired Property under Subsection 2-509(15)(F).

J. Neither the opportunity of an eligible, former owner to request a reconveyance of a property, nor any other provision in this section, shall imply or create an obligation of the City Council to reconvey any property to its former owner; nor shall the decision of the City Council to dispose of one or more Lien-Acquired Properties by reconveying the property to its former owner(s) be binding upon the City Council with respect to, or create any precedent for, the reconveyance of other Lien-Acquired Property.

16. Records of Real Estate Conveyances. All conveyances of City-owned real estate,

regardless of value, must be by ordinance. After the effective date of the ordinance, the deed conveying the real property shall be executed as required by the Code, recorded in the Registry of Deeds, and a copy of the executed deed shall be filed with the City Clerk, who shall cause it to be kept together with all other deeds and conveyances involving City property. The Clerk shall also provide copies of the executed deed to the offices of the Finance Director and of the City Assessor. Neither the text nor the deed shall be maintained as part of the Rockland Code under the procedures set forth in Chapter 1, Section 1-103.

17. Document Preparation Fee. A fee of up to \$150.00 shall be imposed for the City's preparation of documents relating to title to property.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

**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.;~~
 - (iiiiv) 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 subsection¹

“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 (EIA) 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 7/4/16
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

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: City Council
Originator: City Manager

2017 Lease to Own Contract		
Department	Equipment	Amount
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
	TOTAL	\$361,200

**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. Repayment of said bonds or notes shall be equitably divided between revenues derived from user fees and revenues derived from the tax levy.

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: City Council
Originator: City Council

**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: City Council
Originator: City Council

**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 \$2,700,000 TO FINANCE THE COST OF ROAD REPAIRS, RECONSTRUCTION AND RESURFACING, 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 \$2,700,000 is hereby appropriated to finance the cost of Road Repairs, Reconstruction and Resurfacing, 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 \$2,700,000.

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: City Council
Originator: City Council

PROPOSED ROAD REPAIRS, RECONSTRUCTION & RESURFACING

<u>Project</u>	<u>Estimated Cost</u>
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
	<hr/>
Total (with 7% contingency)	\$2,627,110.73

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #26
IN CITY COUNCIL**

August 8, 2016

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$400,000 TO FINANCE THE COST OF IMPROVMENTS TO THE CITY'S FIBER OPTICS BROADBAND NETWORK, 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 \$400,000 is hereby appropriated to finance the cost of Improvements to the City's Fiber Optics Boradband Network, 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 \$400,000.

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: City Council
Originator: City Council

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #27
IN CITY COUNCIL**

August 8, 2016

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$99,000 TO FINANCE THE COST OF REPAIRS, RECONSTRUCTION AND RESURFACING OF A PORTION OF OLD COUNTY ROAD NORTHEASTERLY FROM ITS INTERSECTION WITH ROUTE 17 TO THE END OF THE URBAN COMPACT ZONE, 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 \$99,000 is hereby appropriated to finance the cost of repairs, reconstruction and resurfacing of a portion of Old County Road northeasterly from its intersection with Route 17 to the end of the Urban Compact Zone, 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 \$99,000.

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: Mayor MacLellan-Ruf
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #28

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

RESIDENTIAL ZONE “A” PERMITTED USES	
(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>Bed and Breakfast Establishments.</p> <p>(a) Parking and Buffering. 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>Churches, Expansion of Existing, and Uses Accessory to Existing Churches.</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"> (i) Meetings of church organizations. (ii) Religious education classes and child development programs. (iii) Food pantries. <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>Flag Lots</p>
(4)	<p>Funeral Homes, Expansion of Existing, and Uses Accessory to Existing Funeral Homes.</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>Golf Courses, Expansion of existing onto contiguous property with the following conditions:</p> <ul style="list-style-type: none"> (a) No building(s) may be erected; (b) No parking space(s) may be created that are associated with the golf course use; (c) No artificial lighting may be installed or otherwise created for the use of the golf course.
(6)	<p>Home Occupation, Level 3, and home occupations similar in scale and impact to Level 3</p>

RESIDENTIAL ZONE "A" CONDITIONAL USES	
	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

RESIDENTIAL ZONE "A" PROHIBITED USES	
(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:

RESIDENTIAL ZONE "A" STANDARDS	
Minimum Lot Size	6,400 <u>10,000</u> square feet sewered lots; 20,000 square feet for non-sewered lots
Maximum Building Coverage	50 <u>40</u> % (includes Principal and Accessory structures)
Minimum First Floor Area (Principal Structure)	500 <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	60 <u>100</u> feet (Excludes Cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	Either: <u>Residential: 10</u> 25 feet** <u>Mixed-Use or Non-Residential: 25 feet</u> Or: <u>10 feet**</u>
Minimum Rear Setback	25 feet <u>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

RESIDENTIAL ZONE “B” PERMITTED USES	
(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.

RESIDENTIAL ZONE "B" CONDITIONAL USES	
(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"> (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. (b) The parking lot shall be closed off and unavailable for use when the business requesting the special exception is not in operation. (c) No parking spaces shall be rented for profit. (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.
(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

RESIDENTIAL ZONE "B" PROHIBITED USES	
(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:

RESIDENTIAL ZONE "B" STANDARDS	
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: 2,500 5,000 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	75 60% (includes Principal and Accessory Structures)
Minimum Floor Area (Principal Structure Total Floor Area)	500 750 square feet (Free-standing Residential Structures of fewer than 500 sq. ft. are allowed as accessory

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 80</u> 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 15</u> feet**
Minimum Rear Setback	<u>8 20</u> 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 5</u> 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

Approved at 01-14-16 Meeting

**City of Rockland
Comprehensive Planning Commission
Minutes for December 17, 2015**

Commission Present: Chair Valli Geiger, Adam Ackor, Ann Morris, Amy Files, Tom Keedy, Michelle Gifford, Eileen Wilkinson.

Staff Present: Kevin Beal-City Attorney, John Root-Code Enforcement Officer, and Kara Cushman-Recording Secretary

Meeting called to order at 7:04 p.m.

Previous Meeting Minutes:

ACTION: Ann Morris made a motion, seconded by Tom Keedy to accept November 19, 2015 minutes as written. VOTE: 6-0-0

Continued Discussion of In-Fill in Residential Zones

Chair Geiger said that after reviewing Christine Parrish's article, "Rockland's Rental Housing Crunch" in the Free Press on December 3, 2015, she wanted to re-address the in-fill ordinance. There is little available housing in Rockland for any level of income. Geiger attended an affordable housing meeting with Sen. David Miramant, Penquis representatives, Chris Rector, Jane LaFleur, and Habitat for Humanity to discuss the housing crisis. Penquis disclosed it is in very beginning phases to build housing with 30-units for extremely low-income families. Penquis and Habitat for Humanity also discussed working with the City of Rockland in the future to fix up foreclosed homes and make them affordable to families.

Chair Geiger said that Millennials and Baby Boomers want to be in walkable town areas. In-fill will encourage people to move back in town and provide more housing in mixed-use zones. CEO John Root said that existing, non-conforming lots of record are buildable. He has seen new buildings built on tiny lots. This in-fill ordinance would allow split lots, creating new lots. Almost every lot qualifies for a variance. Root said he could get an inventory of the lots.

Chair Geiger said that in-fill would allow: (1) a smaller minimum lot size, (2) accessory buildings on existing lots, and (3) single-family homes on flag lots (lots that have no public street frontage) irrespective of the size of the flag lot. CEO Root said the lot would have to be served by a right-of-way.

Ann Morris suggested changes for the ordinance, including the addition of a preamble, which she read:

"Purpose: The purpose of this ordinance is to encourage and accommodate compact residential development on appropriate locations in the City of Rockland. Sites should have access to public or private off-street parking or transit service. 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."

Also, Ann Morris suggested the addition of cluster housing or pocket housing under "Residential Zone "B" Permitted Uses", (7). CEO Root said that with development closer together, some housing could be

Approved at 01-14-16 Meeting

clustered. Morris said she would like to see cluster housing and common space. She would like to encourage cluster housing in Residential "B" Zone, as part of the In-fill Ordinance. Cluster Housing would need to be defined.

Morris also suggested under Sec. 19-303, removing part (10) that describes "Dormers" and thought that it would be better addressed in design standards than in the In-Fill ordinance. CEO Root said that people make a third-story of dormers and that section of the ordinance is needed. City Attorney Beal stated that the CEO's intent is to avoid using dormers as an end-run around the maximum story height. Root said that 2 ½ stories are allowed now, but people create another whole story with dormers, taking advantage of the ordinance. People could still have multiple dormers, not a single long dormer across the whole length of the building.

CEO Root recommended the 5' setback be changed to 6', because buildings built five or fewer feet from the property line must be fire-rated. If the building is 6' with a 1' overhang, it wouldn't have to be fire-rated, as it would already be rated for 1 hour.

Adam Ackor said he saw problems with this ordinance. He asked how we can apply design standards to in-fill and how do we determine what can be built. He felt it's a slippery slope to pursue with a couple 100 years' worth of house designs. Mixed architecture is good for a community, but it could be risky with accessory buildings, as there is no guarantee on the quality of their designs. It puts neighboring properties at risk. It could affect property values.

Eileen Wilkinson said she felt that design may not be top priority for people. Houses are in disrepair. There is no guarantee what type of accessory building is added to the lot. It could be a trailer or a camper. She said the original structure could be in disrepair and then they build an accessory building and leave the original to continue to deteriorate.

Tom Keedy said that the 19th century cannot be brought back. After moving to the State Street area of the City from Broadway, Keedy has noted the amount of noise of people coming and going all night long. Even if the City is made more walkable, it is not going to reduce the number of cars. There's a need for more parking. There are sensor lights everywhere. It's important to look at the noise, lighting, and parking. We can't look at in-fill with a romantic view, but look at the reality of it.

Amy Files said that there are things not covered by the noise ordinance and there would be an increase of the level of noise with more people in town.

Chair Geiger said that new buildings have to be built to new energy standards, and noise won't be heard as much. Additionally, on-street parking slows down traffic.

Eileen Wilkinson asked how many lots are actually available that could use the in-fill ordinance. Michelle Gifford recommended that the Commission look at the new assessing database, AXISGIS, on the City of Rockland's web site, to study properties.

Amy Files asked if the money is there to develop in-fill. She asked if there are incentives we can offer to assist property owners.

Michelle Gifford recommended doing a survey to see how many people are moving in to Rockland. Amy Files said it would be beneficial to know where people want to live in Rockland, how many are

Approved at 01-14-16 Meeting

employed, what their income is, and general demographic data. Ann Morris said a survey is required for the Comprehensive Plan updates. The Commission agreed that a public workshop is needed to get feedback from the public.

General discussion regarding trailers ensued. City Attorney Beal said that there are separate regulations for trailer parks.. The State Legislature protects the right to have trailer parks. The City can look at the trailer issue, but they can't be taken out of Residential "B" Zone.

Chair Geiger said she would come up with a definition for pocket housing. A definition for cluster housing already exists.

The Commission agreed to make the following changes to the In-Fill Ordinance:

- 1) Add Ann Morris's Preamble.
- 2) Change the minimum lot size in Residential B to 6400' to be the same as in Residential "A".
- 3) Change the side setback to 8' for accessory structures.

ACTION: Ann Morris made a motion, seconded by Adam Ackor to recommend adoption by Rockland City Council of the In-Fill Ordinance as amended. VOTE: 7-0-0

Ann Morris Presentation of Proposed Revisions to the Transportation Chapter

Ann Morris said she created a narrative to the Transportation Chapter draft. She filled in numbers where there were blanks and followed the outline that new Comprehensive Plans must follow. She took out the italicized text. We don't have to use the same words as the state.

Amy Files asked what the goals of transportation are. She asked which goals have been completed. City Attorney Kevin Beal said that Eric Galant did not include the goals in the draft, but we can bring them in and change and/or add to the goals. Beal said he would check with Dave St. Laurent and John Root on the goals.

Eric Galant is to present the Local Economy Chapter in January. Chair Geiger asked that we let know Eric know that we want data comparisons to sister/neighborhood municipalities.

Next Meeting is January 14, 2016.

Meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Kara Cushman
Recording Secretary

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #29

IN CITY COUNCIL

August 8, 2016

ORDINANCE AMENDMENT First Amendment to Lease – Rockland Breakwater Lighthouse

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the Lease of the Rockland Breakwater Lighthouse, the City of Rockland and the New England Lighthouse Foundation, dated August 13, 2001, is hereby amended, substantially in conformance with the attached First Amendment to Lease.

Sponsor: Councilor Ackor

Originator: Harbor Master

FIRST AMENDMENT TO LEASE

This FIRST AMENDMENT TO LEASE OF ROCKLAND BREAKWATER LIGHTHOUSE (the "First Amendment"), by and between the City of Rockland, Maine, a municipal corporation duly formed and existing under the Laws of the State of Maine (the "City"), and New England Lighthouse Foundation, a non-profit corporation having a mailing address of P.O. Box 741, Rockland, Maine 04841 (the "Lessee") is made and effective November 11, 2016.

WHEREAS, the City and Lessee entered into that certain "Lease of Rockland Breakwater Lighthouse," dated August 13, 2001 (the "Lease"), whereby the City leased to Lessee the Breakwater Lighthouse owned by the City and situated at the terminus of the Rockland Breakwater in Rockland Harbor (the "Lighthouse"); and

WHEREAS, the Lease erroneously referred to New England Lighthouse Foundation as a non-profit corporation, rather than as an assumed name of the American Lighthouse Foundation, which is a non-profit corporation in good standing and the proper party to the Lease; and

WHEREAS, the Lease required Lessee to perform certain renovations at the Lighthouse, as set forth in Exhibit B to the Lease, including the installation of a "floating dock and ramp to allow for access from the water;" and

WHEREAS, in an effort to assist the Lessee in making the Lighthouse accessible to the general public as a fine museum of traditional New England lighthouses, the City has instead provided and, at Lessee's expense, maintained the float(s) at the Breakwater serving the Lighthouse; and

WHEREAS, the parties wish properly to document these arrangements,

NOW, THEREFORE, in consideration of the agreements, covenants, and promises set forth herein, the City and Lessee agree and hereby amend that certain Lease of Rockland Breakwater Lighthouse, dated August 13, 2001, as follows:

A. Lessee:

The Lessee under the Lease has been, is, and shall be during the Term(s) of the Lease the American Lighthouse Foundation, d/b/a New England Lighthouse Foundation or Friends of Rockland Breakwater Lighthouse;

B. Leased Property.

The description of the property leased by City to Lessee in paragraph 1 of the Lease shall be amended as follows:

1. LEASED PROPERTY. Under the terms and conditions of this Lease, the City leases to the Lessee the property known as Rockland

Breakwater Lighthouse, located at the end of the Rockland Breakwater, described with particularity in the Deed from the United States of America to The Inhabitants of the City of Rockland, attached as Exhibit A, dated September 2, 1998, and recorded in the Knox County Registry of Deeds at Book 2276, Page 281, including all improvements and appurtenances that exist on the facility, and one or more floats provided by the City. Located and attached to the leeward edge of the Rockland Breakwater adjacent to the Lighthouse, for the exclusive use of members of Lessee and members of the public for the limited purpose of accessing the Lighthouse.

C. Maintenance.

Provisions for the maintenance of the Leased Property shall be amended as follows:

7. MAINTENANCE OF PREMISES.

* * *

C. Maintenance and Operation By Lessee. Lessee, upon commencement of the Lease, shall assume responsibility for all day-to-day maintenance and repair of the building and shall keep the premises in at least as good condition as it was received. Such maintenance shall include preventative maintenance, servicing of all mechanical equipment on an annual basis, replacement of filters and lightbulbs, testing of backflow preventors on the water system, seasonal shutdowns and energizing of water systems, compliance testing as required for fuel pumps, and otherwise ensuring that all equipment and fixtures are maintained in good and safe condition. Both the interior floors, walls and ceilings and all exterior features of the building shall also be maintained by Lessee and repaired in good and functional condition so that the building will not deteriorate. The City, at Lessee's expense, shall maintain the float or floats providing public access to the Lighthouse.

D. Insurance.

* * * *

9. INSURANCE. The City shall maintain a general liability policy (bodily injury and property damage combined) on the property; provided, however, that the coverage limits of such policy need not exceed the statutory limits on the City's liability. Lessee shall procure and maintain at its expense a policy or policies of insurance (i) on the contents of the building, with the exception of the Aids to Navigation Equipment, and on the ramp and floats, and (ii) for general liability (including bodily injury), with coverage amounts of at least \$1 million / occurrence. Lessee shall name the City as an additional insured under each such

policy of insurance.

- A. **Lessee Shall Indemnify City.** Lessee will indemnify, defend, and hold harmless City, its officers, directors, employees and subcontractors from (i) any costs, expenses, liabilities (including costs, expenses, or liability of third party and attorney's fees) for bodily injury (including death), damage to tangible property, or regulatory noncompliance, or (ii) any fines or penalties for any and all violations of applicable laws of which in the case of (i) and (ii) are caused by or arises from Lessee's breach of this Agreement or the negligent or willful acts or omissions of Lessee or its agents, employees or subcontractors.
- B. **City Not Responsible for Lessee Negligence.** City will not be responsible for any portion of loss, damage, or liability arising from contributing negligent acts by Lessee, Lessee's employees, agents, staff or subcontractors.
- C. **City to Indemnify Lessee for City Negligence.** City will indemnify, defend, and hold harmless Lessee, its officers, directors, employees and subcontractors from (i) any costs, expenses, or liabilities (including costs, expenses, or liability of third parties and attorney's fees) for bodily injury (including death), damage to tangible property, or regulatory noncompliance, or (ii) any fines or penalties for any and all violations of applicable laws of which in the case of (i) and (ii) are caused by or arises from City's breach of this Agreement or the negligent or willful acts or omissions of the City or its agents, employees or subcontractors; provided, however, that in no event shall the City's duty to indemnify, defend and hold Lessee or its officers, directors, employees, or subcontractors harmless exceed the City's statutory limit(s) of liability, nor apply to any claim, damage, loss, or expense for which the City is immune from liability.

Except as provided herein, all the terms, conditions, covenants, promises, and undertakings of the parties hereto in the Indenture of Lease shall remain in full force and effect and binding upon the parties.

The Recitals in this First Amendment are incorporated as terms and conditions of this First Amendment, and made binding upon the parties hereto.

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #30
IN CITY COUNCIL**

August 8, 2016

ORDINANCE AMENDMENT Parking Restrictions – Pleasant Street

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic & Vehicles, SECTION 17-801, Schedule I, Parking Prohibited, BE AMENDED AS FOLLOWS:

Sec. 17-801 Schedule I. Parking Prohibition

Parking is prohibited at all times upon the following streets or parts thereof:

Street	Area Affected
34. Pleasant	A. South side from Main Street to Union Street. B. Both sides three hundred (300) feet in an Easterly direction from Broadway. C. South side beginning at the entrance to E. Allen Gordon Park, one hundred eighty-three (183) feet in an Easterly direction. D. South side beginning at the entrance to E. Allen Gordon Park, three hundred (300) feet in a Westerly direction. E. North side beginning at its intersection with Belvedere Street, two hundred (200) feet in a Westerly direction to its intersection with Columbia Avenue. F. North side fifty five (55) feet <u>from Main Street in a Westerly direction to Union Street</u> in a Westerly direction from Main Street.

Sponsor: Councilor Ackor
Originator: Rockland Police Department

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #31
IN CITY COUNCIL**

August 8, 2016

ORDINANCE AMENDMENT: Amending Order Of Business For Council Meetings To Increase Opportunities For Public Comment and Opportunities For Council To Answer Public Questions

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, ARTICLE II, City Council, SECTION 2-212, Rules of Procedure BE AMENDED AS FOLLOWS:

Sec. 2-212 Rules Of Procedure

* * *

7. Meetings: Agenda. The Agenda for each meeting of the City Council shall be prepared by the City Clerk after consultation with the Mayor and the City Manager. Agendas for regular meetings shall consist of those items for Council action that are submitted by the City Manager, City Attorney, City Clerk, or by a member of the public and that are accepted onto the agenda by the Mayor, and items submitted by any member of the City Council at or before noon on the Wednesday prior to the regular meeting. Agendas for regular meetings shall be filed in the City Clerk's office and made available to the public by noon on the Wednesday prior to the regular meeting and shall be distributed to the Council on the Friday prior to the regular meeting. No further items shall be added to the agenda of any meeting except by the unanimous consent of those members present at that meeting. Each Ordinance, Order, Resolve or communication on the agenda shall be in written form and shall contain the name of the sponsor and originator of the Ordinance, Order, Resolution or communication. A public forum of not longer than thirty (30) minutes shall be part of each regular meeting of the Council, and not longer than fifteen (15) minutes at Special Meetings, at which time first Rockland citizens and then other members of the public shall be given an opportunity to be heard on matters concerning City business. ~~Additional public comment shall be allowed after such public forums for other Rockland citizens and other members of the public to address the City Council as necessary. Immediately following such public forums, the City Council and City Manager shall have an opportunity to respond to questions and/or comments from the public made during the public forums. City Council shall hold public hearings on Licenses and Permits as required under the provisions in Chapter 11 as well on Ordinance Amendments in second reading as specified in paragraph 2-212(29) during regular monthly meetings, or special meetings as needed. The Council shall hold one public comment period during which the public may speak to any Order that is before Council for action as well as one public comment period during which the public may speak to any resolve that is before Council for action. Such p~~Public forums and/or public comment periods may be waived if no member of the public wishes to speak. All ~~such~~ public forums, public comment periods and public hearings shall be conducted under the following guidelines:

- a. Anyone wishing to address the Council shall so indicate by raising their hand and shall

not speak unless and until recognized by the Mayor. After being recognized to speak by the Mayor, such person shall preface their comments by stating their name and street address.

b. Persons addressing the Council shall be permitted to speak once and for no more than five (5) minutes. Persons speaking at a public hearing being held on a particular agenda item~~s~~, or speaking during any public comment period on Orders or Resolves on Council's agenda, shall limit their comments to that item~~(s)~~ and shall speak for no more than five (5) minutes. Such persons may be permitted to speak more than once at the discretion of the Council.

c. Persons present at City Council meetings are cautioned to refrain from applause or other expressions of approval or disapproval of any statements made or actions taken at such meetings. Placards and signs shall not be permitted.

d. Persons speaking during such public forums, public comment periods or public hearings shall strive to be accurate in their statements, avoid personal attacks and innuendoes, and conduct themselves in a respectful manner expected of all meeting participants under this section. Eff: 11/14/08, Amended 10/14/09; 02/09/11

* * *

26. Order of Business. At every regular meeting of the City Council, the order of business shall be as follows:

1. Roll Call by the City Clerk.
2. Pledge of Allegiance to the Flag.
3. Public forum of not more than thirty (30) minutes for Rockland citizens to address the Council, pursuant to Charter Section 210(a)(1), followed by an additional public comment period to allow other members of the public to address the Council.
4. Council and Manager response to questions and issues raised during public forum
- ~~4~~5. Meeting notice to determine that the meeting has been given proper notice.
- ~~6~~5. Reading of the Record by the City Clerk, not previously read and approved, of all preceding meetings.
- ~~6~~7. Reports:
 - a. City Manager's Report
 - b. City Attorney's Report
 - c. Other Official's Report
 - d. Mayor's Report
- ~~7~~8. Licenses and Permits and Public Hearing.
- ~~9~~. Public comment period on Resolves before Council
- ~~8~~10. Resolves
- ~~9~~11. Ordinances in Final Reading and Public Hearing
- ~~10~~12. Ordinances in First Reading
- ~~13~~. Public comment period on Orders before Council
- ~~14~~. ~~14~~. Orders
- ~~12~~. ~~15~~ Adjournment.

Sponsor: Councilor Pritchett
Originator: Councilors Pritchett & Ackor

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:

Building Permit Fees:	All fees rounded to the nearest dollar.
Residential (1 and 2 family dwellings)	
Application Fee (non-refundable)	\$50 except for residential fences; \$35
Permit Fees	Cost in addition to Application Fees (Beginning work without a permit subject to double permit fee)
New construction or addition that creates habitable floor area, other than attached or unattached accessory buildings and decks (see below) ¹	\$.24 per square foot of total floor area (excluding unfinished non-daylight basements and uninhabitable attics) ²
Renovations and repairs involving structural alterations	\$3.30 per \$1000 value of construction ³
Residential garages, sheds and other accessory buildings ⁴	\$.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
¹ Additions such as dormers calculated by area of room(s) affected	
² It is assumed that all habitable areas will eventually be finished.	
³ Value of construction includes cost of all materials and labor after subtracting cost of electrical, plumbing and other aspects permitted separately.	
⁴ 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.	
Non-Residential & Multi-family (3 or more units)	
Application Fee (non-refundable and in addition to permit fee)	\$85
Permit Fees	Cost in addition to Application Fees (Beginning work without a permit subject to double permit fee)
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 ⁵	\$5.50 per \$1000 value of construction ⁶ or \$25 minimum
Change of Use (not requiring Planning Board review)	\$100 (plus any fees for additions or renovations required above)
Fences	\$85

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

⁶Value 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)

Contract/Conditional Zoning Application	\$750
Demolition Permit	\$60 plus deposit as provided in Section 4-304(c)
Demolition Escrow, pursuant to Ch. 4, Art. VI, Sec. 4-603(3)	<p>A. Structures not on foundations</p> <p>(1) 501-1000 feet \$ 200.00</p> <p>(2) Each additional 500 square feet \$ 100.00</p> <p>B. Structures with foundations</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>
Domesticated Chickens Permit	\$25
Driveway Permit	\$40
Electrical Permit	\$50 plus \$1 per fixture outlet
Floodplain Permit Fees:	
New Structure or Substantial Improvements	\$50
Minor Development	\$25
Multi-Family Dwelling Re-inspection Fee	\$100
Moving of Building Fee (City Council approval required if over public street)	\$60 plus cost public safety services if needed (traffic direction)
Plumbing Permit	\$10 per fixture with a minimum fee of \$64
Pod & Temp Storage Containers	\$25
Short-Term Rentals	\$100 (for one-time Planning Board Review, includes first year's permit fee)
Sign Permit	\$60 for the first sign plus \$25 for each additional sign
Sewer Connection	\$60
Sidewalk Display Permit	\$10 per year
Sidewalk Tables & Chairs Permit	\$25 per table
Street Excavation Permit Fee (see Ch. 15, Art. IV)	\$60
Site Plan Review	
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
Subdivision Review	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 ⁷	\$160 plus \$60 per lot or per dwelling unit ⁸

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

Zoning Board of Appeals	
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:

LICENSE	FEE
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, 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 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, 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.
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, 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 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, 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.
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 – Road Repair, Reconstruction and Resurfacing

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, WHEREAS, the City desires to borrow up to a maximum amount of \$2,700,000 for purposes financing Road Repair, Reconstruction and Resurfacing, 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, Reconstruction and Resurfacing, 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 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 \$2,700,000, 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.
- 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 Adopting Declaration of Official Intent and Establishing Date for Public Hearing on Bond Ordinance – Improvements to the City’s Fiber Optics Broadband Network

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, WHEREAS, the City desires to borrow up to a maximum amount of \$400,000 for purposes financing Improvements to the City’s Fiber Optics Broadband Network, 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 #26, 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"): Improvements to the City's Fiber Optics Broadband Network, 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 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 \$400,000, 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.
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 #54

IN CITY COUNCIL

August 8, 2016

ORDER Adopting Declaration of Official Intent and Establishing Date for Public Hearing on Bond Ordinance – Old County Road Repairs, Reconstruction and Resurfacing

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, WHEREAS, the City desires to borrow up to a maximum amount of \$99,000 for purposes financing repairs, reconstruction and resurfacing of a portion of Old County Road northeasterly from its intersection with Route 17 to the end of the Urban Compact Zone, 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 #27, 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, Reconstruction and Resurfacing of a portion of Old County Road northeasterly from its intersection with Route 17 to the end of the Urban Compact Zone, 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 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 \$99,000, 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.
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 #55

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

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

CITY OF ROCKLAND, MAINE

ORDER #56

IN CITY COUNCIL

August 8, 2016

ORDER Determining Details of a Borrowing – Salt/Sand Shed

WHEREAS, on September 9, 2013, the Rockland City Council finally passed and enacted Ordinance Amendment #24 authorizing the City's general obligation bonds in the amount of \$586,000, and, appropriated the proceeds of such bonds to finance construction of a salt and sand shed (the "Project"); and

WHEREAS, the voters of the City approved the adoption of Ordinance Amendment #24 at a municipal referendum election duly called and held on November 5, 2013; and

WHEREAS, the City Council now desires to adopt these resolutions to establish certain details of the bonds authorized by Ordinance Amendment #24;

NOW, THEREFORE, it is hereby by the City Council as follows:

ORDERED: That pursuant to Ordinance Amendment #24, the City Charter, and all other authority thereto enabling, the Director of Finance be and hereby is authorized to borrow the amount of up to \$350,000 from First National Bank at an annual interest rate of 2.20%, and to evidence such borrowing, to issue the City's general obligation bonds in like principal amount.

ORDERED: That the bonds shall be executed in the name of and on behalf of the City of Rockland by its Director of Finance, shall be countersigned by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the corporate seal of the City of Rockland, Maine attested by its Clerk.

ORDERED: That the Director of Finance and Mayor shall determine and approve the date, form, maturities (not to exceed the maximum term permitted by law), denominations, and all other details of the bonds, such approval to be conclusively evidenced by their execution thereof.

ORDERED: That the Director of Finance be and hereby is authorized to provide that the bonds be made callable, with or without premium, prior to their stated dates of maturity.

RESOLVED: That the Director of Finance, to the extent she deems necessary and appropriate, is authorized to designate the bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

ORDERED: That the Director of Finance be and hereby is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, and other documents, including instruments and certificates as may be necessary or appropriate as determined and approved by the Director of Finance in connection with the financing of the Project, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Director of Finance, such approval to be conclusively evidenced by her execution thereof.

ORDERED: That the bonds shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in such minimum denomination as the Director of Finance shall approve upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or her attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds, upon exchanges or transfer thereof to be paid by the person requesting the same.

ORDERED: That the Director of Finance and Mayor from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds as heretofore authorized, all such bonds to be executed consistent with the authorized execution of the bonds.

ORDERED: That the Director of Finance be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the bonds or the Project shall be used directly or indirectly in a manner that would cause such bonds to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended.

ORDERED: That the Director of Finance be and hereby is authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such bonds, that the City will file any required reports and take any other action that may be necessary to insure that interest on the bonds will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the bonds to be subject to federal income taxation.

ORDERED: That the Director of Finance be and hereby is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such bonds, 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 insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

ORDERED: That the term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to (1) the cost to acquire, design, construct, renovate, improve, furnish and equip the Project; (2) the cost of land, easements and other real property interests, landscaping and site preparation, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Project; (4) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

ORDERED: That in each year during which the bonds issued hereunder are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such year, and the principal of such bonds maturing in such year.

ORDERED: That the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds, if any, be and hereby are appropriated to pay costs of the Project, to pay interest on the bonds, to pay issuance costs for the bonds or, at the discretion of the Director of Finance, to be deposited into the City's General Fund to be used for other municipal purposes.

ORDERED: That the Director of Finance be and hereby is authorized and empowered to do all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, assignments, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of these Resolutions in connection with the Project, the issuance, execution, sale, and delivery by the City of the bonds.

ORDERED: That if any of the officers or officials of the City who have signed or sealed the bonds shall cease to be such officers or officials before the bonds so signed and sealed shall have been actually authenticated or delivered by the City, such bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds had not ceased to be such officer or official; and also any such bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds, shall be the proper officers and officials of the City, although at the nominal date of such bonds any such person shall not have been such officer or official.

ORDERED: That if any of the officers or officials of the City authorized to sign or seal the bonds are for any reason unavailable to approve and execute the bonds or any of the financing 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 herself performed such act.

ORDERED: That during the term any of the bonds (or bonds issued to refund such bonds) are outstanding, the Director of Finance be and hereby is authorized to issue and deliver refunding bonds to refund on either a current or advance refunding basis some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Director of Finance be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed in the name and on behalf of the City of Rockland by its Director of Finance, shall be countersigned by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the corporate seal of the City of Rockland, Maine attested by its Clerk, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

Sponsor: City Manager
Originator: Finance Director

CITY OF ROCKLAND, MAINE

ORDER #57

IN CITY COUNCIL

August 8, 2016

ORDER Authorizing Expenditure from Undesignated Fund Balance – Old County Road Repairs, Reconstruction and Resurfacing

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to expend up to \$120,000 from the Undesignated Fund Balance Account (#10000-02970) to cover the costs of repairs, reconstruction and resurfacing of a portion of Old County Road northeasterly from its intersection with Route 17 to the end of the Urban Compact Zone. It is the intent of the City Council to reimburse these funds from the proceeds from the issuance of bonds or notes, and/or other financing sources.

Sponsor: Mayor MacLellan-Ruf
Originator: City Manager