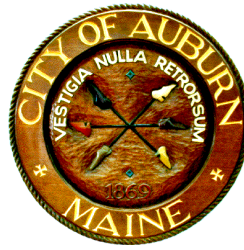


Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

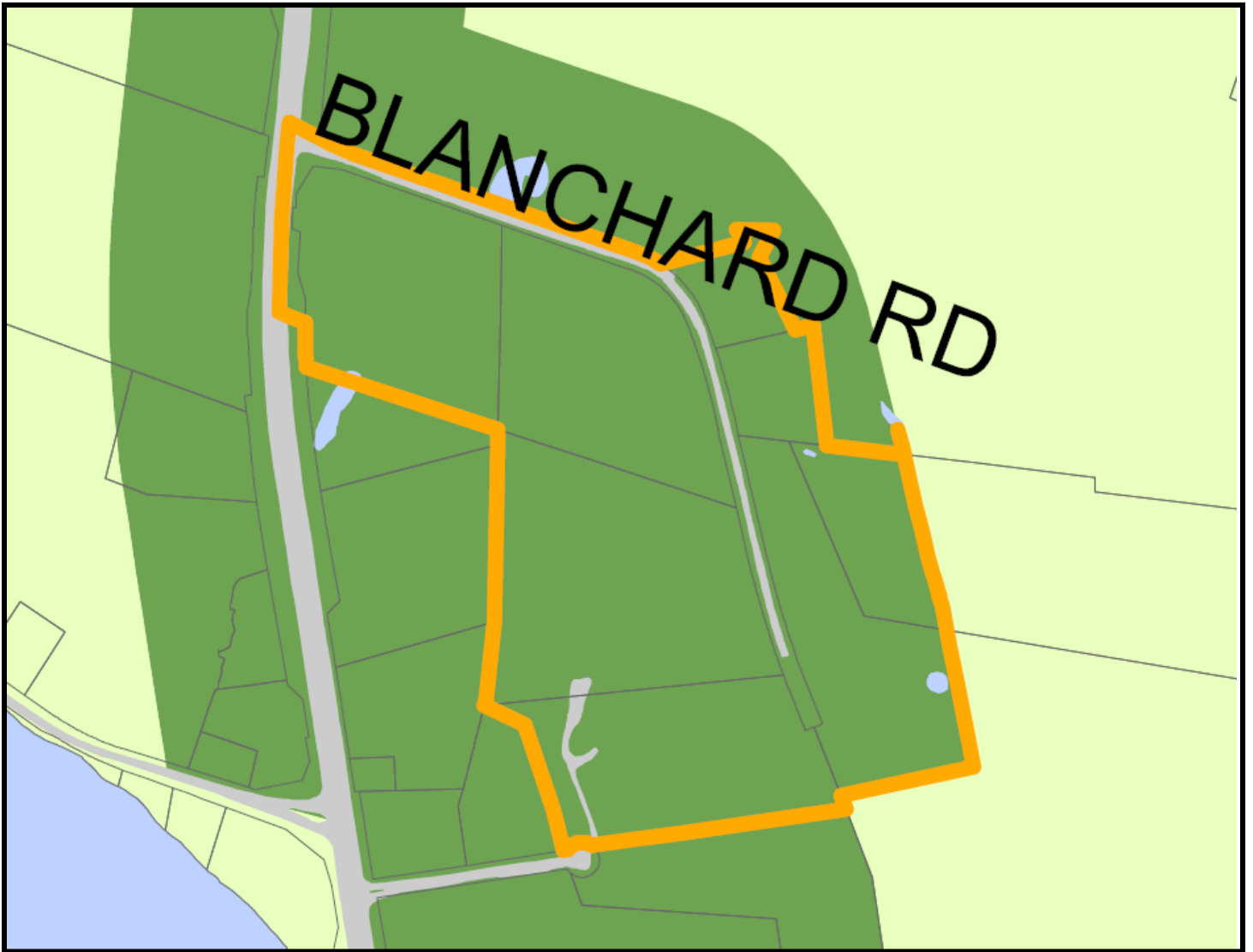
IN CITY COUNCIL

ORDINANCE 01-03182013

BE IT ORDERED, that the City of Auburn Zoning Map is hereby amended in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) in the area outlined in yellow on the map below, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn. The amendment is based on the finding that The City's Future Land Use Map shows the area as "Residential – Low Density". The Low Density Rural Residential zoning designation is consistent with the future land use map. Lots included in this amendment are;

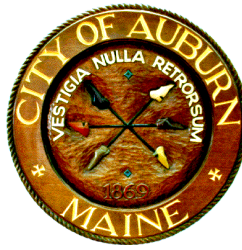
96 Blanchard Road, Parcel ID 345-016
120 Blanchard Road, Parcel ID 345-017
Blanchard Road lot, Parcel ID 345-002
170 Blanchard Road, Parcel ID 345-018
48 Hathaway Road, Parcel ID 345-032-001
145 Blanchard Road, Parcel ID 345-023
117 Blanchard Road, Parcel ID 345-024
2527 Turner Road, Parcel ID 345-025

See attached map



Passage of first reading on 3/18/2013, 6-0 (Councilor LaFontaine absent).
Passage of second and final reading on 4/1/2013 6-0 (Councilor LaFontaine absent).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 02-04012013

AN ORDINANCE REINCORPORATING FOUR ORDINANCES OMITTED DURING THE RECODIFICATION OF THE CITY'S CODE OF ORDINANCES ADOPTED ON FEBRUARY 22, 2011.

BE IT ORDAINED BY THE AUBURN CITY COUNCIL:

The council finds that certain ordinances were inadvertently omitted during the recodification of the city's code of ordinances, which recodification was adopted on February 22, 2011. By this article, the city council corrects such omissions and reinstates the following ordinances (except for editorial correction of internal section numbering as necessary to coordinate with the recodified code):

- (a) *Ordinance dated May 7, 1979*, creating the planning board (Attachment "A" to this article, as amended through February 21, 1990, and formerly codified as Article III of Chapter 16) to be inserted in the city's current code as new division 5 of Article V of Chapter 2, Administration, as edited in this article;
- (b) *Ordinance dated March 26, 1990*, adopting a housing code for the city (Attachment "B" to this article, as amended through March 26, 1990, and formerly codified as Chapter 20A), to be inserted as new Article IV in Chapter 12, Buildings;
- (c) *Ordinance dated July 20, 2009*, adopting post-construction stormwater management regulations (Attachment "C" to this article) to be inserted as new Article III in Chapter 18, as edited in this article; and
- (d) *Ordinance dated August 17, 2009*, amending former sections 7.1 and 7.3 of the city's zoning regulations, recodified as sections 60-1308 and 60-1363 respectively (Attachment "D" to this article), to be inserted as new Article III of Chapter 18.

ATTACHMENT A

DIVISION 5. PLANNING BOARD

Sec. #. Membership: appointment, removal, terms, vacancies.

(a) There shall be a planning board of seven members. Members of the planning board shall be residents of the city and shall not be officers or employees of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. Members shall serve without compensation.

(b) Members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.

(c) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.

(d) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.

Sec. #. Chairman and vice-chairman.

The members of the planning board shall annually elect one of their number as chairman to preside at all meetings and hearings, and another of their number as vice-chairman. In the absence of the chairman, the vice-chairman shall act as chairman and shall have all the powers of the chairman.

Sec. #. Staff secretary: minutes, public records.

(a) The city planner shall designate a member of his staff who shall serve as staff secretary of the planning board and attend all of its proceedings.

(b) The staff secretary shall provide for the keeping of minutes of the proceedings of the planning board, noting the vote of each member on every question, or the member's absence or failure to vote, and shall maintain the permanent records and decisions of all planning board meetings, hearings, and proceedings and ail correspondence of the planning board.

Sec. #. Quorum and necessary vote.

(a) As to any matter requiring a public hearing, no business shall be transacted by the planning board without a quorum, consisting of four members, being present. The concurring vote of at least four members shall be necessary to authorize any action by the board. If the requisite votes are not present the matter shall be tabled.

(b) If less than a quorum is present, the hearing may he adjourned. The staff secretary shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

Sec. #. Meetings, hearings and procedures.

(a) Regular meetings of the planning board shall be held at the call of the chairman or as provided by rule of the board. Special meetings may be called by any four members of the planning board, or at the request of the city council. Testimony at any hearing may be required by the planning board to be given under oath.

(b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with this chapter and with state law. Such rules shall be filed with the staff secretary of the planning board and with the city clerk. Any rule so adopted that relates solely to the conduct of hearings, and that is not required by the city council, this chapter or state law, may he waived by the chairperson upon good cause being shown.

Sec. #. Workshop or informational meetings.

Informal meetings or workshops of the planning board or any of its committees may be held at the call of any of its members or the city planner, as the case may be, for the presentation of information.

Sec. #. Record and decisions.

(a) The minutes of the staff secretary, and any transcript of the proceedings, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.

(b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.

(c) The staff secretary shall mail notice of any decision of the board to the applicant any designated interested parties within five business days of such decision.

Sec. #. Conflicts.

No member of the planning board shall participate in the hearing or disposition of any matter in which he has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the members whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

Sec. #. Appeals.

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court.

Sec. #. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the city and in accordance therewith, the planning board shall have the following jurisdiction and authority:

- (1) To prepare and recommend to the city council a comprehensive plan.
- (2) To prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.
- (3) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific planning related projects.
- (4) To hear, review, and approve or deny applications for subdivision approval as provided in this Code.
- (5) To hear, review, and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the city's zoning regulations, and to initiate recommendations for zoning changes and amendments to or revisions of the city's zoning regulations as necessary.
- (6) To review and offer its recommendations to the city council on public planning related projects.
- (7) To offer its recommendations to the city council with regard to the compatibility of the city manager's proposed capital improvements program with the comprehensive plan.
- (8) To make such investigations and compile maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as it deems desirable.

Sec. #. Committees.

The chairman of the planning board shall from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to its concerning such specific items as may be assigned to them for study and report.

ATTACHMENT B

ARTICLE IV. HOUSING CODE

DIVISION 1. GENERALLY

Sec. #. Purpose.

The purpose of this article is to establish minimum standards for all dwellings and property incident thereto in the city to insure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

Sec. #. Definitions and rules of construction.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Housing inspector means the legally designated housing inspection authority of the city or his authorized representative.

Chief of police means the legally designated head of the police department of the city or his authorized representative.

Dwelling or dwelling unit means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

Fire chief means the legally designated head of the fire department of the city or his authorized representative.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

Health officer means the legally designated health authority of the city or his authorized representative.

Infestation means the presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other pests.

Manufactured housing means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site, the term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes as defined in city zoning regulations.

Mobile homes, older, means any factory-built home that fails to meet the definition of manufactured housing and more specifically, any mobile home constructed prior to June 15, 1976. These units shall be restricted to location in

approved mobile home parks.

Mobile home park means a parcel of land under single ownership in rural residence, suburban residence and cluster development districts that has been planned and improved for the placement of not less than three mobile homes for non-transient use.

Multiple dwelling means any dwelling containing more than three dwelling units.

Occupant means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

Owner means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rooming house means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

Supplied means paid for, furnished, installed or provided by or under the control of the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

(b) Whenever the words "dwelling", "dwelling unit", "lodging house", "rooming unit", or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof".

Sec. #. Compliance required.

(a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.

(b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

Sec. #. Validity of other laws.

Nothing in this article shall be construed to prevent the enforcement of other laws that prescribe more restrictive limitations.

Sec. #. Exceptions permitted.

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the housing inspector shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

- (1) It is not feasible or practicable to comply with such minimum standards;
- (2) The safety, health, or general welfare of the occupants and the public will not be adversely affected; and
- (3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

Sec. #. Procedure for granting exceptions.

(a) The housing inspector shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.

(b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

DIVISION 2. INSPECTIONS

Sec. #. Authority of housing inspector.

The housing inspector is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

Sec. #. Right of entry for inspection.

For the purpose of making such inspections, the housing inspector is hereby authorized to enter, examine, and survey any or all dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection.

Sec. #. Owner and occupant to give free access.

(a) *Access of housing inspector.* The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the housing inspector free access to such dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time for the purpose of such inspection, examination, or survey, but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey.

(b) *Access of owner.* Every occupant of a dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the provisions of this article or any lawful order issued pursuant to this article.

DIVISION 3. ENFORCEMENT

Sec. #. Procedure generally.

(a) If the housing inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.

(b) Any notice issued pursuant to this article shall:

(1) Be in writing;

(2) Include a statement of the reasons why it is being issued;

(3) Set a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:

a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or

b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and

c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of the housing inspector.

(5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.

(c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the housing inspector that such corrective action has been taken.

Sec. #. Method of petitioning for hearing.

(a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.

(b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.

(c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.

(d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

Sec. #. Power of board of appeals to alter notice.

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is

served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

Sec. #. Recording of public hearing.

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

Sec. #. Notice of intent to sell, transfer or rent property subject to order.

(a) *When required.* Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the housing inspector, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the housing inspector in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.

(b) *Penalty.* Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than \$50 and not more than \$100 to be enforced by complaint in a court of competent jurisdiction.

Sec. #. Placarding of buildings unfit for human habitation.

(a) *Authority of housing inspector.* If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the housing inspector, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the housing inspector.

(b) *Procedure.* To placard, the housing inspector shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the housing inspector may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.

(c) *Use of placarded buildings prohibited.* No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the housing inspector. The housing inspector shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.

(d) *Defacement and removal of placard prohibited.* No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

Sec. #. Order to vacate dangerous premises.

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing, filed in the office of the housing inspector, that extreme danger or menace to the occupants or the public health exists, the housing inspector may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

DIVISION 4. MINIMUM STANDARDS

Sec. #. Compliance with city codes and state law required.

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

Sec. #. Maintenance.

All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

Sec. #. Plumbing.

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin.

Sec. #. Heating and ventilation.

(a) *Maintenance.* All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.

(b) *Requirements when central heating plant not available.* When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.

(c) *Heating facilities required in rented or leased premises.* Every habitable room, let for occupancy, excepting rooms use primarily for sleeping purposes, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet above floor level, as required by prevailing weather conditions from September 15 through may 15 of each year.

(d) *Window specifications.* Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

Sec. #. Passageways, stairways and exits.

(a) *Exits.* Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.

(b) *Lighting.* Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.

(c) *Obstructions.* Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.

Sec. #. Garbage and rubbish.

(a) *Method of disposal.* Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.

(b) *Accumulations prohibited.* Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the housing inspector may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

Sec. #. Insect and rodent control.

(a) *Owner responsible for extermination in multiple dwellings.* If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(b) *Occupant responsible for extermination.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

Sec. #. Space and occupancy.

(a) *Floor space requirements.* The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.

(b) *Ceiling height.* At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(c) *Use of basement.* No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

Sec. #. Dwelling occupancies prohibited adjacent to hazardous establishments.

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in any quantity that may endanger the lives or safety of the occupants.

ATTACHMENT C

POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE

Sec. 1. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of city citizens through monitoring and enforcement of compliance with post-construction stormwater management plans in order to comply with minimum control measures requirements of the Federal Clean Water Act (33 USC 1251 et seq.), other federal regulations and Maine's Small Municipal Separate Storm Sewer Systems General Permit.

Sec. 2. Objectives.

This article seeks to ensure that post-construction stormwater management plans are followed and stormwater management facilities are properly maintained and pose no threat to public safety.

Sec. 3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person with requisite right, title or interest or an agent for such person who has filed an application for new development or redevelopment that requires a post-construction stormwater management plan under this article.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), which is commonly referred to as the Clean Water Act.

Construction activity means construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb equal to or greater than one acre.

Direct discharge and *point source* means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which Pollutants are or may be discharged.

Discharge means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state."

Disturbed area means clearing, grading and excavation. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area." "Disturbed area" does not include routine maintenance but does include redevelopment. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of land or improvements thereon.

Enforcement authority means the director of planning and permitting, director of community services, or their designees, the persons or departments authorized by the city to administer and enforce this article.

Permitting authority means the city official or body that has jurisdiction over the land use approval or permit required for a new development or redevelopment.

Separate storm sewer system (MS4) means conveyances for storm water, including, but not limited to, roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any city, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit means a permit issued by the U.S. Environmental Protection Agency (“EPA”) or by the Maine Department of Environmental Protection (“DEP”) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

New development means any construction activity on unimproved premises.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, city, domestic, commercial or agricultural wastes of any kind.

Post-construction stormwater management plan means BMPs and stormwater management facilities employed by a new development or redevelopment to meet the standards of the city’s subdivision, site plan, or other zoning, planning or other land use ordinances and approved by the permitting authority.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the city.

Qualified inspector means a person who conducts post construction stormwater management facilities inspections. The director of community services or his designee may require inspections for engineered systems to be completed by a Registered Professional Engineer at his discretion.

Redevelopment means construction activity on premises already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

Regulated small MS4 means any Small MS4 regulated by Maine’s General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems effective July 1, 2008 (“general permit”), including all those located partially or entirely within an urbanized area (ua) and those additional small ms4s located outside a ua that as of the issuance of the general permit have been designated by the DEP as regulated small MS4s.

Small MS4 and Small Municipal Separate Storm Sewer System means any MS4 that is not already covered by the Phase I MS4 stormwater program including city owned or operated storm sewer systems, state or federally-owned systems, such as colleges, universities, prisons, state department of transportation and state turnpike authority road systems and facilities, and military bases and facilities.

Storm drainage system means the city’s regulated small MS4.

Stormwater and storm water mean any stormwater runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater management facilities means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the post-construction stormwater management plan for a new development or redevelopment.

Sec. 4. Applicability.

This article applies to all new development and redevelopment within the city that discharges stormwater to the city’s MS4 and to associated stormwater management facilities. This article does not apply to new development or redevelopment on a lot, tract or parcel where that lot, tract or parcel is part of a subdivision that is approved under this article; the lot, tract or parcel shall not require additional review under this article, but shall comply with the post-construction stormwater management plan requirements for that approved subdivision.

Sec. 5. Post-construction stormwater management plan approval.

(a) *General requirement.* Notwithstanding any ordinance provision to the contrary, and except as provided in section 4.b. above, no applicant for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for new development or redevelopment to which this article is applicable shall receive such permit or approval for that new development or redevelopment unless the applicant also receives approval under the city’s subdivision, site plan or other zoning, planning or other land use ordinances for its post-construction stormwater management plan and stormwater management facilities for that new

development or redevelopment, even if the city's subdivision, site plan or other zoning, planning or other land use ordinances would not otherwise apply to that new development or redevelopment.

(b) Notice of BMP discharge to city's MS4. At the time of application for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for new development or redevelopment to which this article is applicable, the applicant shall notify the permitting authority if its post-construction stormwater management plan includes any BMPs that will discharge to the city's MS4 and shall include in this notification a listing of which BMPs will so discharge.
Sec. 6. Post-construction stormwater management plan compliance.

(a) *General requirements.* Any person owning, operating, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under the city's subdivision, site plan or other zoning, planning or other land use ordinances shall demonstrate compliance with that plan as follows:

- (1) That person or a qualified inspector hired by that person, shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all city and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
- (2) If the stormwater management facilities require maintenance to function as intended by the approved post-construction stormwater management plan, that person shall take corrective action to address the deficiency or deficiencies.
- (3) That person or a qualified inspector hired by that person, shall, on or by June 1st of each year provide a completed and signed certification to the enforcement authority in a form identical to that attached as appendix 1 to this article, certifying that the person has inspected the stormwater management facilities and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities and, if the stormwater management facilities require maintenance or repair of deficiencies in order to function as intended by the approved post-construction stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action taken.
- (4) In addition, any persons required to file an annual certification under section 6 of this article shall include with the annual certification payment in the amount established by the city for the purpose of contributing toward the administrative and technical costs of review of the annual certification.

(b) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, the enforcement authority may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the stormwater management facilities.

(c) *Annual Report.* Beginning July 1, 2009 and each year thereafter, the city shall include the following in its annual report to the state department of environmental protection:

- (1) The cumulative number of sites that have stormwater management facilities discharging into their MS4;
- (2) A summary of the number of sites that have stormwater management facilities discharging into their MS4 that were reported to the city;
- (3) The number of sites with documented functioning stormwater management facilities; and
- (4) The number of sites that required routine maintenance or remedial action to ensure that stormwater management facilities are functioning as intended.

(d) *Inspections.* The city shall annually inspect a percentage of stormwater management facilities. If the owner or operator of a stormwater management facility hires or is deemed to be a qualified inspector, the permittee will have no inspection requirements. If the owner or operator of a stormwater management facility does a "self" inspection and is not a qualified inspector, the city is required to conduct the following inspection schedule:

- (1) 1-10 post construction sites: inspect at least one site, or 40% (whichever is greater)
- (2) 11-30 post construction sites: inspect at least four sites, or 30% (whichever is greater)
- (3) 31-60 post construction sites: inspect at least nine sites, or 25% (whichever is greater)
- (4) 61-100 post construction sites: inspect at least fifteen sites, or 20% (whichever is greater)
- (5) 101-160 post construction sites: inspect at least twenty sites, or 17% (whichever is greater)
- (6) Over 160 post construction sites: inspect at least twenty seven sites, or 11% (whichever is greater)

Sec. 7. Enforcement.

Violations. It is unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article or of the post-construction stormwater management plan. Whenever the enforcement authority believes that a person has violated this article or the post-construction stormwater management plan, the enforcement authority may enforce this article in accordance with 30-A M.R.S.A. § 4452.

Notice. Whenever the enforcement authority believes that a person has violated this article or the post-construction stormwater management plan, the enforcement authority may order compliance with this article or with the post-construction stormwater management plan by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

The abatement of violations, and the cessation of practices, or operations in violation of this article or of the post-construction stormwater management plan;

At the Person's expense, compliance with bmps required as a condition of approval of the new development or redevelopment, the repair of stormwater management facilities or the restoration of any affected property; or

The payment of fines, of the city's remediation costs and of the city's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation, compliance with BMPs, repair of stormwater management facilities or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair or restoration must be completed.

Penalties, fines and other remedies. Any person who violates this article or the post-construction stormwater management plan shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this article or the post-construction stormwater management plan also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this article or of the post-construction stormwater management plan; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

Consent agreement. The enforcement authority may, with the approval of the city officers, enter into a written consent agreement with the violator to address timely abatement of the violations of this article or of the post-construction stormwater management plan for the purposes of eliminating violations of this article or of the post-construction stormwater management plan and of recovering fines, costs and fees without court action.

Appeal. Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the board of appeals in accordance with the rules of the board of appeals. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The board of appeals shall hold a *de novo* hearing on the appeal within 30 days from the date of receipt of the notice of appeal. The board of appeals may affirm, reverse or modify the decision of the enforcement authority. A party aggrieved by the decision of the board of appeals may appeal that decision in the manner provided by state law.

Judicial action for enforcement. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the board of appeals, within 45 days of a decision of the board of appeals affirming the enforcement authority's decision, then the enforcement authority may recommend to the city officers that the city's attorney file an enforcement action in a court of competent jurisdiction pursuant to state law.

ATTACHMENT D

7.1 Site Plan Review **D. Procedure**

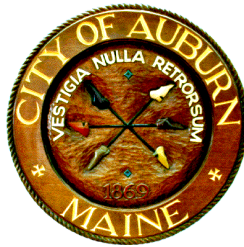
9. Approval of a site plan shall expire one year after the date of approval unless all building permits have been obtained to begin construction in accordance with the approved site plan. If a development is contested with litigation, the approval period of this section shall not commence until a final court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007. Any site plan that contains a phase concept approved by the Planning Board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the Planning Board not less than 30 days before the expiration of approval of his existing plan. The Planning Board shall approve or disapprove the requested extension at its next regular meeting.

7.3 Subdivision **E. Final Approval and Filing** **4. Improvement Completion Time**

a. All required improvements shall be completed no later than two years after approval of the final plan. Should the subdivider request an extension it shall be made in writing to the Planning Board. Should the Planning Board grant an extension it shall be for a period not to exceed six months. Only one extension shall be granted. Should the subdivider not complete the required improvements within the time specified the subdivider shall be in violation of this chapter. If a development is proposed to be phased then specific requirements for each phase shall be complete prior to issuing Building Permits for that phase. If a development is contested with litigation, the two year completion requirement shall not commence until a final court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007.

Passage of first reading on 4-1-2013, 6-0 (Councilor LaFontaine absent). Passage of second and final reading on 4-16-2013, 5-1 (Councilor Gerry opposed, Councilor Hayes absent).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 03-04012013

**AN ORDINANCE CORRECTING SECTION NUMBERS
IN ORDINANCES ADOPTED DURING THE PENDENCY OF THE RECODIFICATION OF THE CITY'S
CODE OF ORDINANCES
ADOPTED ON FEBRUARY 22, 2011.**

BE IT ORDAINED BY THE AUBURN CITY COUNCIL:

Sec. 1. The city council finds that certain ordinances adopted while the recodification project was on-going included numbering inconsistent with the recodified code as ultimately adopted. By this ordinance, the city council corrects the numbering of the following ordinances for consistency with the recodified code:

- (a) *Ordinance dated February 1, 2010*, designating certain stop sign and restricted parking location and street uses (Attachment "E" to this ordinance), to be used to amend traffic schedules in Article VIII, Chapter 52, Traffic Regulatory Signage;
- (b) *Ordinance dated February 16, 2010*, regarding setbacks in the Central Business District, (Attachment "F" to this ordinance), to be used to amend code sections 60-498 through 500;
- (c) *Ordinance dated March 22, 2010*, establishing setbacks and height allowances for certain accessory structures, including windmills (Attachment "G" to this ordinance), to be used to amend code section 60-548;
- (d) *Ordinance dated May 3, 2010*, adopting a business license fee schedule (Attachment "H" to this ordinance), to be used to amend the city fee schedule in Appendix A of the city code;
- (e) *Ordinance dated June 7, 2010*, regarding sandwich boards and easel signs (Attachment "I" to this ordinance), to be used to add a new subsection 9(d) to code section 60-637;
- (f) *Ordinance dated June 7, 2010*, amending the city's red flag rules (identity theft prevention program) (Attachment "J" to this ordinance), to be used to replace code sections 2-539 through 2-556;
- (g) *Ordinance dated January 18, 2011*, changing maximum floor space for certain accessory buildings (Attachment "K" to this ordinance), to be used to amend code section 60-43(e);
- (h) *Ordinance dated February 7, 2011*, regarding slaughterhouses, stockyards, abattoirs, and dressing plants as special uses in low density country residential zoning districts (Attachment "L" to this ordinance), to be used to amend code section 60-201(b);
- (i) *Ordinance dated February 7, 2011*, regarding slaughterhouses, stockyards, abattoirs, and dressing plants as special exceptions in agriculture and resource protection districts (Attachment "M" to this ordinance), to be used to amend code section 60-144 through 173;
- (j) *Ordinance dated February 7, 2011*, renaming current Chapter 14 to "Business Licenses and Permits", repealing and replacing former Chapter 24 (now Chapter 14) regarding business licensing, and repealing in their entirety Article IX (Taxicabs) of Chapter 26 (Traffic and Motor Vehicles), all of Chapter 36 (Peddlers,

Itinerant merchants and Solicitors), all of Chapter 40 (Secondhand Goods), and all of Chapter 58 (Vehicles for Hire);

(k) *Ordinance dated September 6, 2011*, regarding excavation permits (Attachment "N" to this ordinance), to be used to amend code sections 60-697 et seq., renumbering as necessary to accommodate the addition of a new section 60-701; and

(l) *Ordinance dated December 5, 2011*, regarding the sale and use of consumer fireworks (Attachment "O" to this ordinance), to be used as new code section 20-59 renumbering current section 20-59 as 20-60.

Passage of first reading 4/16/2013, 6-0 (Councilor Hayes absent) and passage of second and final reading 5/6/2013 7-0.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 04-04162013

Be it Ordained, that the following ordinances be adopted:

Sec. 2-25. Salaries of the Mayor and Council.

Elected officials shall receive the following annual salaries, payable as listed:

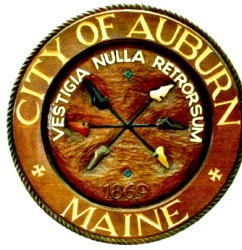
- (1) *Mayor*. The mayor shall receive an annual salary of \$4,000.00, payable quarterly.
- (2) *City council*. Each of the councilors shall receive an annual salary of \$1,800.00 payable monthly.

Sec. 2-382. Salaries of School Committee Members.

Elected School Committee Members shall receive the following annual salaries, payable as listed:

- (1) *School committee*. Each member of the school committee, shall receive a salary at the rate of \$25.00 per meeting for up to 26 meetings per year.
- (2) *The Mayor or his/her designee* is a full member of the School committee and therefore is entitled to compensation as any other member.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 07-06032013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

Sec. 24-217. Alcoholic Beverages

~~The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area during any event unless the operator obtains all necessary permits from the City. The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas.~~

If the Operator intends to sell or permit the sale of alcoholic beverages within the mass gathering area during a mass gathering, the Operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The Operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the City's Special Amusement Ordinance. Alcoholic beverages may be sold and consumed only within a restricted area of the Facility, which does not include the parking lot. The Operator shall identify, in its Permit Application, the specific restricted areas where it proposes to sell alcoholic beverages, and the means by which it anticipates to limit the consumption of alcohol to such restricted portions of the mass gathering area. Additionally, the Operator shall exercise all due diligence, work with the Auburn Police Department on strict enforcement and exert its best efforts to control, limit and prevent the unauthorized consumption of alcoholic beverages on any part of the mass gathering area outside of the restricted areas, and to prevent patrons of the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance. Nothing in this Ordinance shall preclude the Operator from implementing more restrictive rules for the sale and consumption of alcoholic beverages.

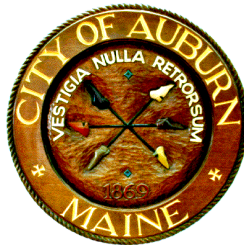
No one under the age of 21 years of age will be allowed in this area.

The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

Any person, partnership, corporation or other legal entity including the Operator, violating this Section shall be punished by a civil penalty of at least One Hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars. The failure to comply with conditions imposed upon the issuance of a mass gathering permit shall be a violation of this Section. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The civil penalty provided for in this Section shall be in addition to any other penalty or damages provisions provided within this Section, and shall be in addition to all other remedies to the City of Auburn at law and in equity. The provisions of this Section shall be enforced by the City Manager or such other municipal official or employee as the City Manager shall designate in writing. The City shall also be entitled to its reasonable attorney fees and costs for successfully prosecuting a violation of this Section.

Passage of first reading 7/15/2013, 6-1 (Councilor Crowley opposed), second and final reading on 8/5/2013, motion failed 3-2 (Councilors Crowley and Gerry opposed). Affirmative vote of at least 4 is required.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 07-12172012

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

Chapter 24 Article II. Licenses

Sec. 24-36. Compliance with Rules and Regulations Required; Approval, Disapproval by City Officials, Council

- a. All licensees and applicants for licenses are required to comply with State statutes and Rules, City Ordinances and rules and regulations of City Departments which pertain to the business or activity for which a license is desired. State of Maine Rules include and are not limited to:
 1. State of Maine Food Code 2001 as adopted by the Maine Department of Human Services 10-144 CMR 200 and the Maine Department of Agriculture, Food and Rural Resources 01-001 CMR 331 May 1, 2001
 2. Rules Relating to Lodging Establishments, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Environmental Health 10-144 CMR 206 January 1, 2003.
 3. Rules relating to the Administrative and Enforcement of establishments Licensed by the Health Inspection Program, Department of Health and Human Services, Maine Center for Disease Control Prevention, Division of Environmental Health Inspection Program 10-144 CMR Chapter 201 Last Amended on October 7, 2012
- b. In any case where the City requires the approval of the Building Inspector, Code Enforcement Officer, Police Chief, Fire Chief or any other City Official prior to issuance of the license, it shall be the duty of the City Clerk or designee to notify in writing the officials whose approvals are required. The officials so notified, or their duly delegated representatives, shall approve or disapprove the application without delay and shall note their approval or disapproval thereon, stating the reasons for any disapproval. When required by the City Council, a hearing will be held at which time the Council shall decide whether to approve or disapprove any application for a license or permit. It shall be the duty of the City Clerk or designee to notify the applicant of the time and place of the hearing. Such notice shall be mailed by the City Clerk, postage prepaid, to the applicant at his last known address at least 48 hours prior to the date set for such hearing. The decision and order of the Council on such hearing shall be final and conclusive. Except as set forth in subsection (c) below, a license under this chapter shall be denied if the council makes a finding that:

**Passage of first reading on 12-17-2012, 6-1 (Councilor Crowley)
Passage of second and final reading on 1-7-2013, 5-0 (Councilors
LaFontaine and Shea absent).**

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

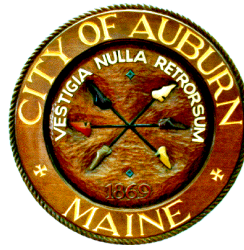
IN CITY COUNCIL

ORDINANCE 08-06032013

ORDERED, that the Community Forest Ordinance be and hereby is amended as attached:

This item was postponed indefinitely. Passage 4-2-1 (Councilors Crowley and Hayes opposed, Councilor Shea was out of the room).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 09-06172013

BE IT ORDERED, that the City of Auburn Zoning Ordinance and Map is hereby amended pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn. The amendment includes the adoption of the attached Chapter 60, Article XII, Division 2 – Floodplain Overlay District and the National Flood Insurance Rate Maps for the City of Auburn, Androscoggin County Effective July 8, 2013. The amendment is based on the finding that changes are consistent with The City's Comprehensive Plan and Future Land Use Map and are a State and Federal requirement if the City wishes to participate in the National Flood Insurance Program.

Public hearing and passage of first reading 6/17/2013 6-1, (Councilor Walker opposed). Passage of second and final reading 7/1/2013, 6-1, (Councilor Walker opposed).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 10-08192013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

AN ORDINANCE PERTAINING TO SYNTHETIC DRUGS THE CITY OF AUBURN HEREBY ORDAINS:

Chapter 32 of the Code of Ordinances of the City of Auburn, Maine is hereby amended as follows:

Chapter 32 Offenses Article I, In General

Sec. 32.7

Purpose

The purpose of this article is to regulate the availability of products which are enhanced with synthetic chemicals, which chemicals mimic the effects of controlled substances on users, because these products are a danger to the public health, safety and welfare.

Definitions

For purposes of interpreting this article, the following terms, phrases, words and their derivatives shall have the meanings given herein unless the context clearly indicates or requires a different meaning:

SPICE, SYNTHETIC CANNABINOIDS, SYNTHETIC MARIJUANA - Any aromatic plant material in granular, loose leaf or powder form, or in liquid or as a food additive, or any herbal-incense-type stimulant or hallucinogen product, when the label is in any way false or misleading, or which does not contain a label specifying (1) the identity of the commodity and (2) the name and place of business of the manufacturer, packer, or distributor. Street names for these products include, but are not limited to: Bliss, Black Mamba, Bombay Blue, Fake Weed, Genie, Spice, Zohai, K2, K3, Smoke, PotPourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Stinger, Ocean Blue, Serenity, Chronic Spice, Spice Gold, Spice Silver, Skunk, Mr. Nice Guy, Mr. Happy, K3 Legal, Sence, Smoke, Chill X, Earth Impact, Galaxy Gold, Space Truckin, Solar Flare, Moon Rocks, Aroma, Scope, Sky High, Atomic, G-20, Guerrilla Warfare, Makes Scents, g-I3, Tiger Shark, California Dreams, Dank, Bullet, Mind Trip, Voodoo Child, Jazz, Nightlights, Matrix, Hypnotiq, AK47, Maui Wowie, Cloud 9, Daylights, Joker, Dead Man Walking, Brain Storm, Soul Sence, Kush, Kush Mania, Dragons Fire, Lucid, Mad Hatter, Scooby Snax, D-ZL, OMG, Demon, Barely In, Pineapple Express, Hayze. This definition shall include any plant material to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC STIMULANTS - Any crystalline or powder product in crystalline, loose-powder, block, tablet, or capsule form, or any stimulant-type product, when the label is in any way false or misleading. Street names for these products include, but are not limited to: Bliss, Blue Silk, Cloud Nine, Drone, Energy-I, Ivory Wave, Lunar Wave, Meow Meow, Ocean Burst, Pure Ivory, Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Knight, White Lightening, Blizzard, Bonzai Grow, Charge Plus, Charlie, Euphoria, Hurricane, Lunar Wave, Ocean, Pixie Dust, Posh, Scarface, Lovely Dovey, Aura, MDPV, MDPK, MTV, Maddie, Hurricane Charlie, Black Rob, Super Coke, PV, Peeve, Meph, Drone, MCAT. This definition shall include any product to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

DRUG - An article that is intended to affect the function of the body of humans.

MISBRANDED DRUG - Any drug for which the label is in any way false or misleading.

ILLICIT SYNTHETIC DRUGS - Spice, synthetic cannabinoids, synthetic marijuana, bath salts, synthetic cathinones, synthetic stimulants, and misbranded drugs as defined herein.

SYNTHETIC CHEMICAL OR SYNTHETIC CHEMICAL COMPOUND - Any chemical or chemical compound whose molecular make up is similar to those substances listed as controlled substances in 17-A M.R.S. § 1101(16-A) (including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers of such substances) or to those substances listed in 17-A M.R.S. § 1102(4) (F) and whose intended use when introduced into the human body is to mimic or simulate the effects of a controlled substance.

Prohibition of Illicit Synthetic Drugs.

- A. It is unlawful for any person to possess, use, provide, sell, produce, manufacture, or distribute, or to offer, display, market, or advertise for sale, any illicit synthetic drug.
- B. In determining whether a product is prohibited by this article, statements on package labeling such as "not for human consumption" may be disregarded when other relevant factors (viewed alone or in totality) indicate that the product is intended to be consumed or ingested by humans, or is a product regulated by this article. Other relevant factors that may be used to determine whether a product or sale is prohibited by this article include, but are not limited to: verbal or written representations at the point of sale regarding the purpose, methods, use, or effect of the product; aspects of the packaging or labeling suggesting that the user will achieve a "high," euphoria, relaxation, mood enhancement, or that the product has other effects on the body; the cost of the product is disproportionately higher than other products marketed for the same use; the product contains a warning label stating or suggesting that the product is in compliance with state laws regulating controlled substances; the product's name or packaging uses images or slang referencing an illicit street drug; illicit or underground methods of sale or delivery are employed by the seller or provider; the product resembles an illicit street drug such as cocaine, methamphetamine, or marijuana.

- C. Defense. It shall be a defense to the prosecution of a violation of this article that a product is specifically excepted by, or regulated within and in compliance with, state or federal law. For the purposes of this section, it shall not be a defense that a product is not subject to regulation unless the product is specifically excepted from regulation; mere "non-regulation" by these acts without a specific regulatory exemption does not render a product exempt under this section.

Sale of Certain Products for Human Consumption Prohibited

It is unlawful for any person to provide, sell, or offer for sale a product for human consumption when the product is labeled "not for human consumption" or contains similar warnings.

Violation and Seizure

- A. Each package shall be a separate violation. The fine for each violation shall be \$500.
- B. Any products found in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required.

Passage of first reading on 8/19/2013, 5-2
(Councilors Crowley and Shea opposed).

Passage of second reading on 9/3/2013
(Councilors Crowley and Shea opposed).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-09162013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

**TITLE: ORDINANCE – Chapter 52 – Article 5 – Stopping, Standing and Parking Division I Generally
Sec. 52-181. Parking in city-owned lots as follows:**

Effective October 1, 2013 -

(a)

All or portions of the following parking lots and streets are designated as permit parking areas:

- (1) Great Falls Plaza parking lot.
- (2) Miller Street parking lot.
- (3) Main Street parking lot.
- (4) Phoenix Block parking lot.
- (5) Mechanics Row parking lot.
- (6) Court Street parking lot.
- (7) Mechanics Row parking garage.
- (8) Troy Street parking lot.
- (9) Pleasant Street

(b)

The monthly fee for permit parking shall be in the amount provided in the city fee schedule payable in advance at the location designated by the city manager. All monthly permits must be paid by the tenth of each month. Permit holders will be restricted to park within their designated area. Any permit which has not been paid by the tenth of each month or permitted vehicles not parked within their designated area, the owner will be subject to enforcement provisions set forth in section 52-181 (c).

(c)

No car shall be parked in an area restricted to permit parking between the hours of 7:00 am and 6:00 p.m. Monday through Friday, except pursuant to a valid permit which shall be affixed to the front window of the vehicle in question. Any car parked in violation of this section may be towed pursuant to section 52-204 and its owner shall be subject to the enforcement provisions set forth in section 52-203. The fact that a car is parked in a permit parking section without a valid permit displayed shall be prima facie evidence that the car in question has been illegally parked. The person in whose name the car is registered shall be responsible for any such illegally parked vehicle.

(d)

Nothing in this section shall be construed as prohibiting the city from restricting parking in permit parking areas during special events or from providing free temporary parking in permit areas.

(e)

Any person parking his vehicle in a space limited to two- or four-hour parking in any city-owned parking lot shall not thereafter park the vehicle in any other parking space in that parking lot during the ensuing 12-hour period other than in a space as to which parking is limited to one hour or less.

(f)

No person shall park a vehicle in any city-owned lot between the hours of 12:01 a.m. and 6:00 a.m. from November 15 to April 15, except in spaces designated as winter relief parking areas or approved areas.

(g)

No person shall park a vehicle which is not identified with a handicapped registration plate in a parking space in a city-owned lot which is limited to handicapped parking, nor shall any vehicle be parked in a handicapped parking space longer than the time limit applicable to that space.

(Code 1967, § 26-4.18; Ord. of 7-12-2004(1), § 4.18)

State law reference— Municipal authority to layout and alter parking places, 23 M.R.S.A. § 2802; parking on public ways, 29-A M.R.S.A. § 2068; enforcement of disability parking restrictions, 29-A M.R.S.A. § 521(9-A).

Passage of first reading on 9/16/2013, 5-0 (Councilors LaFontaine and Hayes absent). Passage of second reading on 10/07/2013, 5-0-1 (Councilor Walker abstained, Councilor Crowley was absent).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 12-10072013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

The approval of the 2013-2014 appendix A overall maximum assistance, effective for July 1, 2013 to July 30, 2014.

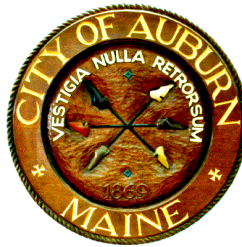
Appendix B Food Maximum effective November 1, 2013. On November 1, 2013, benefits will **decrease** across the board for all participating household due to the expiration of the ARRA (American Recovery and Reinvestment Act of 2009), which increased benefits by 13.6 percent in April of 2009 in response to the recession.

Appendix C rental assistance, appendix D utilities, appendix E heating fuel, and appendix F, personal care effective October 1, 2013 to September 30, 2014, for the Auburn General Assistance program.

The approval will put the Auburn ordinance in compliance with the State statutes.

Passage on 10/21/2013, 5-0 (Councilors Shea and Young absent).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE #XX-XXXX2011

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

The approval of the ordinance changes to reflect the State statute changes approved by the legislation.

Sec. 30-2 Definitions:

Eligible person means a person who is qualified to receive general assistance according to the standards of eligibility set forth in this chapter. "Eligible person" does not include a person, who is a fugitive from justice as defined in Title 15, § 201, sub. 4.

Household means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in this chapter. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total of number of household members. The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is pooling of income. The City shall presume pooling of income unless the applicant proves otherwise.

Income means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources unless specifically prohibited by any law or regulation, support payments, income from pension or trust funds, household income from any other source including relatives or unrelated household members and any benefit received pursuant to Title 36, chapter 907 and Title 36, section 5219-11, unless used for basic necessities as defined in Section 4301, subsection 1. For repeat applicants, it also includes unverified expenditures or misspent money from the 30-day period prior to application. The following items shall not be considered as income or assets which must be liquidated for the purposes of deriving income:

- (1) Real or personal income-producing property, tools of trade, or governmental entitlement specifically treated as exempt by state or federal law;

- (2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement funds contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- (3) Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

Sec. 30-68 Use of Resources:

(F) An applicant who is found to be ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to Title 26, § 1051 subsection 1 is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor.

Sec. 30-97 Determination of income.

(8) *Lump sum income.* A lump sum payment as defined in this chapter and received by a household prior to the date of application for general assistance will be considered as income available to the household, with the exception of any required payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities as described in this subsection. In the case where a lump sum payment was received by a household at any time prior to the date of application for general assistance, the administrator will assess the need for prorating an applicant's eligibility for general assistance according to the following criteria:

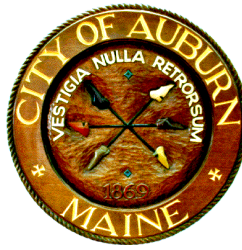
- a. Identify the date the lump sum payment was received.
- b. Subtract from the lump sum payment all required payments.
- c. Subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities provided by general assistance, provided in this chapter; any reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member, repair or replacement of essentials lost due to fire, flood or other natural disaster; or repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities.
- d. Add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for general assistance.

e. The period of proration is then determined by dividing the remainder of the lump sum payment by the verified actual monthly amounts for all the household's basic necessities.

The dividend remaining after following these guidelines represents the number of months from the receipt of the lump sum payment during which an income level equivalent to the actual expenditure for basic necessities as defined by general assistance for the household will be deemed available to that household. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

Passage of first reading on 10/07/2013 6-0
(Councilor Crowley absent). Passage of second
reading on 10/21/2013, 5-0 (Councilors Shea and
Young absent).

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Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 14-11042013

ORDERED, that the Code of Ordinances be and hereby is amended by adding the following Garage Sale definition under Chapter 24, Business Licenses, Sec. 24-8 Definitions:

Garage Sale –The sale of used household or personal goods held on the seller’s own premises. Also known as a yard sale, barn sale, moving sale, tag sale.

Passage of first reading on 11/4/2013, 7-0.
Passage of second reading on 11/18/2013, 7-0.