

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 01-02242020

Amending the City of Auburn Ordinances, Appendix A, Fees and Charges

BE IT ORDAINED, that the City Council hereby amends the City of Auburn Ordinances, Appendix A, Fees and Charges to reduce the building permit fees for Agricultural Barns and Buildings as attached.

Appendix A - FEES AND CHARGES⁽¹⁾

Administrative

Notary fee 10.00

Copy fee, per page 1.00

Animals

Dog license fees:

Unaltered dog—annually 11.00

Spayed/neutered dog—annually 6.00

Late fee after January 31 25.00

Impoundment fee—each 50.00

Additional per day for boarding fee TBD

Dangerous dog registration fee—annually 100.00

Buildings and Building Regulations

Building Permit—Single-family:

New construction and additions 25.00 base + 0.25 per sf

Accessory structure 25.00 base + 0.07 per sf

Renovation < \$2,500.00 25.00

Renovation > \$2,500.00 25.00 base + 5.00 per \$1,000.00 value

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Building Permit—Multi-family:

New construction and additions 25.00 base + 0.30 per sf

Renovations 25.00 base + 5.00 per \$1,000 value

Building Permit—Mobile homes:

New or used 25.00 base + 0.15 per sf

Additions 25.00 base + 0.25 per sf

Building Permit—Commercial:

New construction 25.00 base + 0.35 per sf (per floor)

Renovation 25.00 base + 7.00 per \$1,000 value

Foundation only 20.00 base + 5.00 per \$1,000 value

[New construction of agricultural buildings for the storage of crops or housing of livestock, excluding marijuana ... 25.00 base + 0.07 per sf](#)

Building Permit—Swimming pools:

Above ground 35.00

In-ground 80.00

Passage of first reading on 2-24-2020, 6-0 (Councilor Carrier absent).

Passage of second reading on 3-2-2020, 6-0 (Councilor Carrier absent).

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IN CITY COUNCIL

ORDINANCE 02-02242020

Amending the City of Auburn Ordinances, for Solar Energy Generating Systems in the Industrial District (Chapter 60, Sec. 60-578 and Article XVIII Solar Energy Generating Systems

BE IT ORDAINED, that the City Council hereby amends the City of Auburn Ordinances, Chapter 60, Sec. 60-578 and Article XVIII Solar Energy Generating Systems as outlined below:

DIVISION 15. – INDUSTRIAL DISTRICT

Sec. 60-578. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthy fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:
- (1) Farming of field crops, row crops, orchards and truck gardens.
 - (2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.
 - (3) Farm dwellings on premises actively farmed.
 - (4) Financial institutions.
 - (5) Office buildings.
 - (6) Post offices.
 - (7) Telephone exchanges or telephone business offices.
 - (8) Public transportation passenger stations.
 - (9) Churches or temples.
 - (10) Municipal uses buildings.
 - (11) Airports.
 - (12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.
 - (13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.
 - (14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.
 - (15) Manufacture of ceramic products, brick and cinder blocks.

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- (16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
 - (17) Building material sales yard and contractor's equipment storage yard and plant.
 - (18) Research, experimental or testing laboratories.
 - (19) Lumber yard, including planning, milling and other processing.
 - (20) Ice manufacturing and storage plant.
 - (21) Beverage bottling plants.
 - (22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants including ground-mounted and dual use Solar Energy Generating Systems less than one acre in total land area as defined in Sec. 60-1425 in accordance with applicable FAA regulations if within the Airport Overlay Zone.
 - (23) Accessory uses and buildings, including but not limited to:
 - a. Retail sales of products manufactured on premises.
 - b. Dwellings used as living quarters for caretakers or watchmen and their families.
 - c. Storage boxes or space trailers as defined in section 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.
 - (24) Training schools.
 - (25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.
 - (26) Any new or existing building proposed as a complex of three or more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
 - (27) Adult use and medical marijuana cultivation, manufacturing and testing facilities subject to the requirements of chapter 11, article 14 of the City of Auburn Ordinances.
 - (28) Adult use and medical marijuana stores subject to the requirements of chapter 11, article 14 of the City of Auburn Ordinances, provided that the store is located on the same parcel of land as a marijuana cultivation facility or marijuana manufacturing facility.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:
- (1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.
 - (2) Automobile filling stations.
 - (3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.
 - (4) Restaurants and diners, including drive-in and carry-out restaurants.

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- (5) Retail food stores.
- (6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
- (7) Motels and hotels.
- (8) Automobile scrap yards.
- (9) Off-street parking accessory, to a permitted use whether or not located on the same lot.
- (10) Outdoor advertising.
- (11) Junkyard.
- (12) Airplane manufacture or assembly.
- (13) Alcohol, methanol, or ethanol manufacture.
- (14) Automobile or automotive manufacture or assembly.
- (15) Brewery or distillery.
- (16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
- (17) Machinery and machine tool manufacture.
- (18) Metal fabrication plant.
- (19) Municipal incinerator or sewage treatment plant.
- (20) Manufacture of cosmetics, toiletries and pharmaceuticals.
- (21) Asphalt batching plant.
- (22) Grain processing and storage.
- (23) Concrete or cement products manufacture.
- (24) Coal distillation and derivation of coal products.
- (25) Iron or steel foundry.
- (26) Meat products manufacture.
- (27) Packinghouse, including meat and poultry canning and curing, processing or freezing.
- (28) Plastic and pyroxylin manufacture.
- (29) Uses similar to the uses of this section and not elsewhere named in the following subsections.
- (30) Accessory uses building and structures, including but not limited to:
 - a. Retail sales of products manufactured on the premises and products accessory to the industry.
 - b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.
- (31) Hospital.
- (32) Automobile and marine sales lots and agencies.
- (33) Child day care centers over 5,000 square feet (building area).
- (34) Outpatient addiction treatment clinics.

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- (35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.
- (36) Adaptive reuse of structures of community significance.
- (37) Ground-Mounted and Dual-Use Solar Energy Generating Systems Greater than one acre in total land area as defined in Sec. 60-1425.

Chapter 60, Article XVIII Solar Energy Generating Systems.

Sec. 60-1425. – Definitions

Abandonment: The date at which any part of a Solar Energy Generating System has been out of service for a continuous period of 12 months.

Airport Overlay Zone: The area that lays within a 2 nautical mile radius of the centerline of the nearest runway of the Auburn Lewiston Airport.

Dual-Use Systems: Solar energy systems where photo-voltaic panels are attached to structures or buildings without any impact on the primary use (E.g. photo-voltaic panels on structures cantilevered over parked cars or benches; solar panels located on a piece of infrastructure such as a sign or light).

Ground mounted Solar Energy Generating System (also known as free-standing solar energy systems): A solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

Operations and Maintenance Plan: A plan outlining the operations and maintenance of a solar energy system, to include safety measures and procedures for maintenance.

Roof Mounted and Building integrated solar energy generating systems: A solar energy system in which solar panels are mounted on top of the roof of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. The definition also includes a solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Solar Access: Space open to the sun and clear of overhangs or shade, including orientation of streets and lots to the sun, so as to permit the use of active and/or passive Solar Energy Generating Systems on individual properties.

Solar Energy Generating System: A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems, these may be ground-mounted, dual-use, roof-mounted and building-integrated systems.

Surface Area: The total airspace projected over the ground, footprint of accessways and any appurtenant structures associated with the Solar Energy Generating System.

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Total height of solar energy system: The total vertical distance as measured from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the highest part of the system.

Total Land Area of the System: The total area of a parcel(s) physically occupied by the Solar Energy Generating System installation.

Total rated capacity: The maximum rated output of electrical power production of the photovoltaic system in watts of Direct Current (DC).

Sec. 60-1426. – Purpose.

The purpose of this section is to allow for the construction and operation of private and public Solar Energy Generating Systems designed to produce energy for use on site or off site, by establishing appropriate standards to ensure safe, effective and efficient use of solar energy systems compatible with surrounding uses.

Sec. 60-1427. – Applicability.

This section shall apply to all Solar Energy Generating Systems except the following:

- a. Solar Energy Generating Systems for municipal use.
- b. Building Integrated and Roof-Mounted Solar Energy Generating Systems which are permitted by right in all Zoning Districts in accordance with applicable FAA regulations if within the Airport Overlay Zone.
- c. Non-structural maintenance, like-kind repair or reconstruction of equipment, provided that it does not constitute an expansion of a Solar Energy Generating System. For the purposes of this section, expansion of a Solar Energy Generating System means a change in the total land area of the system or its associated equipment.
- d. Ground-Mounted Solar Energy Generating Systems intended to satisfy the electricity needs of the principal use of the lot provided the Owner or Operator completes FAA requirements if within the Airport Overlay Zone.

Sec. 60-1428. – Administrative Procedures.

- (a) The installation of ground-mounted and dual-use Solar Energy Generating Systems or devices occupying greater than 1 acre in total land area shall be permitted by special exception in the Industrial District after approval by the Planning Board in accordance with the provisions of Division 3 of Article XVI of this chapter as well as the supplemental provisions described in these regulations.
- (b) Unless subject to the provisions of subsection (a) of this section or listed as an exempt activity in Sec. 60-1427, any other Solar Energy Generating Systems, including the replacement and repair of equipment, physical modifications to an existing and permitted Solar Energy Generating Systems provided they do not alter the total land area of the system and its associated equipment as defined under Sec. 60-45(a) shall be permitted by right in the Industrial District and subject to review and approval in accordance with Sec. 60-1430(b).

Sec. 60-1429. – Application Requirements.

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- (a) *Solar Energy Generating Systems permitted by special exception.* In addition to the submission requirements of site plan review, an application for a Solar Energy Generating Systems permitted as a special exception shall contain the following information:
- (1) All Solar Energy Generating Systems permitted by Special Exception shall be subject to the Special Exception and Site Plan Review procedures specified in Article XVI, Divisions 2 and 3 of this chapter.
 - (2) A narrative describing the proposed Solar Energy Generating System, including an overview of the project; the project location; the total rated capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance.
 - (3) An accurate scaled site plan of the subject property showing the planned location of the proposed Solar Energy Generating System and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking and curb cuts on the subject property; specifications for all proposed electrical cabling/transmission lines, accessor equipment and landscaping, including the tallest finished height of the solar collectors and name, address, phone number and signature of the project proponent, as well as co-proponents or property owners, if any, the names, contact information and signature of any agents representing the project proponent. The site plan shall show any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system.
 - (4) Information on any connections to the grid including evidence of meeting the local electric utility's transmission and distribution interconnection requirements (this may be a condition of approval if a copy of the application for interconnection with the electric utility provider is submitted).
 - (5) Documentation that the solar generation equipment has been approved under the UL certification program and that the system complies with all applicable local, state and federal codes/regulations with the standards regarding signal interference. Electrical component and connection information shall be in sufficient detail to allow for a determination that it meets Maine electrical codes.
 - (6) All parcels within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question, shall submit a Solar Glare Hazard Analysis Tool (SGHAT) report, outlining solar panel glare and ocular impacts, for each point of measurement approved by the Airport Manager at the time of application to the Planning Board.

Sec. 60-1430. – Approval.

- (a) *Solar Energy Generating Systems permitted by special exception.* The planning board is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that it

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finds necessary in order to determine whether these standards will be met. In addition to the criteria in sections 60-1277 and 60-1336, the planning board shall consider the following standards:

- (1) *Yard requirements.*
 - (a) The setbacks for Solar Energy Generating System installations, including appurtenant structures and parking areas, shall be subject to the dimensional regulations under Sec. 60-579(3)(a)(b)(c).
 - (b) All Solar Energy Generating System installations shall be regulated by the dimensional setback regulations, stipulated in Article XII, Division 5, Shoreland Overlay District, or a prescribed in other sections of this ordinance.
- (2) *Lot Coverage.* The paved, mounting block, or otherwise impervious areas of sites on which ground mounted solar energy systems are installed shall comply with the lot coverage standards as defined in section 60-579(2). For the purposes of this section, photovoltaic cells, panels, arrays, and inverters shall not be considered impervious areas provided the soil underneath the collector is not compacted and remains vegetated.
- (3) *Height Regulations.* The total height of the Solar Energy Generating System and all appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations shall not exceed thirty (30) feet.
- (4) *Technical and Safety.* A copy of the As-Built Site Plan for the Solar Energy Generating System shall be provided to the local Fire Prevention Officer. All means of shutting down the Solar Energy Generating System shall be clearly marked.
- (5) *Maintenance.* The Owner or Operator of the Solar Energy Generating System shall maintain the facility in good condition. Proper maintenance of the facility means that it is operating as designed and approved. Maintenance shall include, but not be limited to, painting, structural repairs, repairing damaged panels and integrity of security measures. The Solar Energy Generating System must be properly maintained and kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Site access shall be maintained to a level acceptable by the local Fire Prevention Officer for emergency response. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Generating System and any access road(s), unless accepted as a public way.
- (6) *Glare.* Solar panels are designed to absorb (not reflect) sunlight and are generally less reflective than other varnished or glass exterior materials. However, solar panel placement should minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system. Parcels located within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question shall comply with Sec. 60-1429(a)(6).
- (7) *Visual Impact.* An Applicant shall make reasonable efforts, as determined by the Planning Board, to minimize visual impacts associated with the installation of a Solar Energy Generating System. The Board shall consider the size, location and topography of the site, the characteristics of the surrounding property and the amount and type of development on said properties in determining the amount and type of screening and buffering that it deems appropriate.

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- (8) *Lighting*. Ground-mounted Solar Energy Generating System lighting shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
 - (9) Where possible, in unbuilt areas, Solar Energy Generating System installations shall maintain the permeability of the ground. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy Generating System or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances.
 - (10) *Operation & Maintenance Plan*. The Owner or Operator shall submit a plan for the operation and maintenance of ground-mounted and dual-use solar energy systems, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - (11) All Solar Energy Generating System installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA) 1, Fire Prevention Code. All wiring shall be installed in compliance with the photovoltaic systems standards identified in the latest edition of the National Electrical Code (NFPA 70).
- (b) *Solar Energy Generating Systems permitted by right*. An application for a Solar Energy Generating System permitted by right shall require review and approval by the following departments: Planning, Engineering, Fire, Code Enforcement, Auburn Lewiston Municipal Airport and a representative of Lewiston-Auburn 911 committee.

Sec. 60-1431. – Abandonment or Decommissioning.

- (a) *Abandonment and Removal of Ground Mounted and Dual Use Solar Energy Systems*.
 1. The Owner or Operator shall, at their expense, complete the removal of the solar energy system within 6 months of the end of the useful life of the solar energy system or within 6 months of the date of abandonment as defined in Sec. 60-1425. The Owner or Operator shall notify the Economic and Community Development Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a. Physical removal of all ground-mounted Solar Energy Generating Systems including solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Economic and Community Development Department, in conformance with applicable regulations, may allow the Owner or Operator to leave existing landscaping or specifically designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

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2. The City shall revoke any approvals and/or pursue removal of the solar energy system at the Owner or Operator's expense in the following circumstances:
 - a. The solar energy system is not installed and functioning within 12-months from the date of approval under this ordinance; or
 - b. The solar energy system is at any time left in an unsafe condition in respect to federal, state or local safety standards (as determined by the City); or
 - c. The solar energy system has not been brought back to a safe condition/operation or removed from the site within the required timeframe; or
 - d. The solar energy system is defective or abandoned and has not been removed from the site within required timeframe.

3. Financial Surety. Before the start of construction, the Owner or Operator of a solar energy system shall provide a form of surety, either through escrow account, performance bond or letter of credit from a creditable financial institution, in an amount sufficient to cover the cost of decommissioning in the event the City determines the solar energy system to be abandoned in accordance with Sec. 60-1431(a)(2) above. The financial guarantee shall include a provision granting and guaranteeing the City the authority to access the funds and property and perform the decommissioning should the facility be abandoned and the owner or operator fails to meet their obligations to remove the solar energy system. This amount shall be based upon a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, and submitted to the Planning Board at the time of application. The amount shall include a mechanism for calculating increasing removal costs due to inflation.

4. If the Owner or Operator of the Solar Energy Generating System fails to remove the installation in accordance with requirements of this section within 6 months of abandonment of the end of the useful life or date of abandonment, the City retains the right to use the performance guarantee and all other available means to cause an abandoned, hazardous or decommissioned Solar Energy Generating System to be removed.

Sec. 60-1432. – Appeals.

- (a) An appeal from a decision of the planning board on a Solar Energy Generating System permitted by special exception shall be in accordance with the provisions of Division 5 of Article XVI of this chapter.
- (b) An appeal from a decision of the staff review committee on a Solar Energy Generating System permitted by right shall be to the board of appeals. The board of appeals is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that the board of appeals determines may be necessary in order to render a decision on the appeal.

Passage of first reading on 2-24-2020, 6-0 (Councilor Carrier absent).

Passage of second reading on 3-2-2020, 6-0 (Councilor Carrier absent).

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IN CITY COUNCIL

ORDINANCE 03-03162020

Amending the Code of Ordinances by adding to Article II – Mayor and City Council, Division 3 – City Council Student Representative, Secs. 2-67 to 2-70.

Be it ordained, that the Auburn City Council hereby adopts under Article II, Division 3, Secs. 2-67 to 2-70 City Council Student Representative as shown below.

ARTICLE II. - MAYOR AND CITY COUNCIL

NEW

DIVISION 3. – CITY COUNCIL STUDENT REPRESENTATIVE

Secs. 2-67 - Position.

There is hereby designated and created the positions of student representatives as ex-officio representatives on the City Council of the City of Auburn, not to exceed two positions. The student representatives may be students at Edward Little High School or youth residents enrolled in another educational program and will serve as a liaison between the City and youth in the community.

Secs. 2-68 - Appointment.

Students wishing to serve shall make application through the high school principal or the city clerk. The high school shall provide the nominations for student representatives, all other applications shall be submitted to the city clerk. The city clerk shall submit the applications to the City Council Appointment Committee for recommendations for final approval of the City Council. The Auburn School Department will be responsible for retention of all documents

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pertaining to the application and selection process for Edward Little students and the city clerk will be responsible for the retention of all other applications.

Secs. 2-69 – Duties and responsibilities.

- a. The student representatives shall be seated with the City Council and encouraged to participate in discussions on issues before the council.
- b. The agenda for City Council meetings shall provide a regular opportunity under the heading of reports for comments from the student representatives concerning activities and events at the high school or items of interest to the youth in the community.
- c. The student representatives will receive notification of an agenda packet availability on the city website for each regular and special Council meeting, except meetings solely devoted to an executive session. The student representatives will receive a copy of all notices of public hearings deemed by the City Manager to be directly related to interests or activities of youth and students in the community. Should these disclose issues that directly impact and involve students or youth in the community, the student representatives will be encouraged to participate at the meeting or hearing to the same extent and same fashion as members of the public.
- d. The student representatives shall be governed by and comply with all the provisions of the City Council Rules of Procedure.

Secs. 2-70 – Term of office.

The student representatives (one senior and one junior) shall serve a two-year term with one vacancy for a junior available annually in July for the graduating senior. With the exception being the initial year, the senior will only serve one-year. Terms shall start July 1st and end June 30th.

Passage of first reading on 3-16-2020, 5-0 (Councilors Walker and Gerry absent).
Passage of second reading on 4-6-2020, 7-0.

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IN CITY COUNCIL

ORDINANCE 04-05182020

Amendment to Chapter 60, Article XVIII: Solar Energy Generating Systems, Secs. 60-1428(a) and 60-1428(b) to add Agriculture and Resource Protection District, Sec. 60-1430(I)(1) to add yard requirements, Sec. 60-1430(II) to add permanent stabilization standards, Sec. 60-1431(a)(2) to change shall to may revoke any approvals and Sec. 60-1431(a)(2)(a) to change 12 months to 24 months for the revocation of City approvals.

Be it Ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Article XVIII - Solar Energy Generating Systems (as attached).

Chapter 60, Article XVIII Solar Energy Generating Systems.

Sec. 60-1425. – Definitions

Abandonment: The date at which any part of a Solar Energy Generating System has been out of service for a continuous period of 12 months.

Airport Overlay Zone: The area that lays within a 2 nautical mile radius of the centerline of the nearest runway of the Auburn Lewiston Airport.

Dual-Use Systems: Solar energy systems where photo-voltaic panels are attached to structures or buildings without any impact on the primary use (E.g. photo-voltaic panels on structures cantilevered over parked cars or benches; solar panels located on a piece of infrastructure such as a sign or light).

Ground mounted Solar Energy Generating System (also known as free-standing solar energy systems): A solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

Operations and Maintenance Plan: A plan outlining the operations and maintenance of a solar energy system, to include safety measures and procedures for maintenance.

Roof Mounted and Building integrated solar energy generating systems: A solar energy system in which solar panels are mounted on top of the roof of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. The definition also includes a solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Solar Access: Space open to the sun and clear of overhangs or shade, including orientation of streets and lots to the sun, so as to permit the use of active and/or passive Solar Energy Generating Systems on individual properties.

Solar Energy Generating System: A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the

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collection, storage and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems, these may be ground-mounted, dual-use, roof-mounted and building-integrated systems.

Surface Area: The total airspace projected over the ground, footprint of accessways and any appurtenant structures associated with the Solar Energy Generating System.

Total height of solar energy system: The total vertical distance as measured from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the highest part of the system.

Total Land Area of the System: The total area of a parcel(s) physically occupied by the Solar Energy Generating System installation.

Total rated capacity: The maximum rated output of electrical power production of the photovoltaic system in watts of Direct Current (DC).

Sec. 60-1426. – Purpose.

The purpose of this section is to allow for the construction and operation of private and public Solar Energy Generating Systems designed to produce energy for use on site or off site, by establishing appropriate standards to ensure safe, effective and efficient use of solar energy systems compatible with surrounding uses.

Sec. 60-1427. – Applicability.

This section shall apply to all Solar Energy Generating Systems except the following:

- a. Solar Energy Generating Systems for municipal use.
- b. Building Integrated and Roof-Mounted Solar Energy Generating Systems, which are permitted by right in all Zoning Districts in accordance with applicable FAA regulations if within the Airport Overlay Zone.
- c. Non-structural maintenance, like-kind repair or reconstruction of equipment, provided that it does not constitute an expansion of a Solar Energy Generating System. For the purposes of this section, expansion of a Solar Energy Generating System means a change in the total land area of the system or its associated equipment.
- d. Ground-Mounted Solar Energy Generating Systems intended to satisfy the electricity needs of the principal use of the lot provided the Owner or Operator completes FAA requirements if within the Airport Overlay Zone.

Sec. 60-1428. – Administrative Procedures.

- (a) The installation of ground-mounted and dual-use Solar Energy Generating Systems or devices occupying greater than 1 acre in total land area shall be permitted by special exception in the Industrial District and Agriculture and Resource Protection District after approval by the Planning Board in accordance with the provisions of Division 3 of Article XVI of this chapter as well as the supplemental provisions described in these regulations.
- (b) Unless subject to the provisions of subsection (a) of this section or listed as an exempt activity in Sec. 60-1427, any other Solar Energy Generating Systems, including the replacement and repair of equipment, physical modifications to an existing and permitted Solar Energy Generating Systems provided they do not alter the total land area of the system and its associated equipment as defined

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under Sec. 60-45(a) shall be permitted by right in the Industrial District and Agriculture and Resource Protection District and subject to review and approval in accordance with Sec. 60-1430(b).

Sec. 60-1429. – Application Requirements.

- (a) *Solar Energy Generating Systems permitted by special exception.* In addition to the submission requirements of site plan review, an application for a Solar Energy Generating System permitted as a special exception shall contain the following information:
- (1) All Solar Energy Generating Systems permitted by Special Exception shall be subject to the Special Exception and Site Plan Review procedures specified in Article XVI, Divisions 2 and 3 of this chapter.
 - (2) A narrative describing the proposed Solar Energy Generating System, including an overview of the project; the project location; the total rated capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance.
 - (3) An accurate scaled site plan of the subject property showing the planned location of the proposed Solar Energy Generating System and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking and curb cuts on the subject property; specifications for all proposed electrical cabling/transmission lines, accessor equipment and landscaping, including the tallest finished height of the solar collectors and name, address, phone number and signature of the project proponent, as well as co-proponents or property owners, if any, the names, contact information and signature of any agents representing the project proponent. The site plan shall show any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system.
 - (4) Information on any connections to the grid including evidence of meeting the local electric utility's transmission and distribution interconnection requirements (this may be a condition of approval if a copy of the application for interconnection with the electric utility provider is submitted).
 - (5) Documentation that the solar generation equipment has been approved under the UL certification program and that the system complies with all applicable local, state and federal codes/regulations with the standards regarding signal interference. Electrical component and connection information shall be in sufficient detail to allow for a determination that it meets Maine electrical codes.
 - (6) All parcels within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question, shall submit a Solar Glare Hazard Analysis Tool (SGHAT) report, outlining solar panel glare and ocular impacts, for each point of measurement approved by the Airport Manager at the time of application to the Planning Board.

Sec. 60-1430. – Approval.

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(a) *Solar Energy Generating Systems permitted by special exception.* The planning board is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that it finds necessary in order to determine whether these standards will be met. In addition to the criteria in sections 60-1277 and 60-1336, the planning board shall consider the following standards:

I. *Yard requirements.*

(1) The setbacks for Solar Energy Generating System installations in the Industrial District, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

- a. Rear. There shall be behind every structure associated with a Solar Energy Generating System a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.
- b. Side. There shall be a distance of 5 feet between any structure associated with a Solar Energy Generating System and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.
- c. Front. There shall be in front of every structure associated with a Solar Energy Generating System a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.

(2) All Solar Energy Generating System installations shall be regulated by the dimensional setback regulations, stipulated in Article XII, Division 5, Shoreland Overlay District, or a prescribed in other sections of this ordinance.

II. *Lot Coverage.* The paved, mounting block, or otherwise impervious areas of sites on which ground mounted solar energy systems are installed shall comply with the lot coverage standards as defined in section 60-579(2). For the purposes of this section, photovoltaic cells, panels, arrays, and inverters shall not be considered impervious areas provided the soil underneath the collector is not compacted and remains vegetated in accordance with the standards applicable to vegetation established in Chapter 500, Appendix A(6) Permanent Stabilization.

III. *Height Regulations.* The total height of the Solar Energy Generating System and all appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations shall not exceed thirty (30) feet.

IV. *Technical and Safety.* A copy of the As-Built Site Plan for the Solar Energy Generating System shall be provided to the local Fire Prevention Officer. All means of shutting down the Solar Energy Generating System shall be clearly marked.

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- V. *Maintenance.* The Owner or Operator of the Solar Energy Generating System shall maintain the facility in good condition. Proper maintenance of the facility means that it is operating as designed and approved. Maintenance shall include, but not be limited to, painting, structural repairs, repairing damaged panels and integrity of security measures. The Solar Energy Generating System must be properly maintained and kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Site access shall be maintained to a level acceptable by the local Fire Prevention Officer for emergency response. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Generating System and any access road(s), unless accepted as a public way.
- VI. *Glare.* Solar panels are designed to absorb (not reflect) sunlight and are generally less reflective than other varnished or glass exterior materials. However, solar panel placement should minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system. Parcels located within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location under application shall comply with Sec. 60-1429(a)(6).
- VII. *Visual Impact.* An Applicant shall make reasonable efforts, as determined by the Planning Board, to minimize visual impacts associated with the installation of a Solar Energy Generating System. The Board shall consider the size, location and topography of the site, the characteristics of the surrounding property and the amount and type of development on said properties in determining the amount and type of screening and buffering that it deems appropriate.
- VIII. *Lighting.* Ground-mounted Solar Energy Generating System lighting shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- IX. Where possible, in unbuilt areas, Solar Energy Generating System installations shall maintain the permeability of the ground. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy Generating System or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances
- X. *Operation & Maintenance Plan.* The Owner or Operator shall submit a plan for the operation and maintenance of ground-mounted and dual-use solar energy systems, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- XI. All Solar Energy Generating System installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association

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(NFPA) 1, Fire Prevention Code. All wiring shall be installed in compliance with the photovoltaic systems standards identified in the latest edition of the National Electrical Code (NFPA 70).

- (b) *Solar Energy Generating Systems permitted by right.* An application for a Solar Energy Generating System permitted by right shall require review and approval by the following departments: Planning, Engineering, Fire, Code Enforcement, Auburn Lewiston Municipal Airport and a representative of Lewiston-Auburn 911 committee.

Sec. 60-1431. – Abandonment or Decommissioning.

- (a) *Abandonment and Removal of Ground Mounted and Dual Use Solar Energy Systems.*

1. The Owner or Operator shall, at their expense, complete the removal of the solar energy system within 6 months of the end of the useful life of the solar energy system or within 6 months of the date of abandonment as defined in Sec. 60-1425. The Owner or Operator shall notify the Economic and Community Development Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a. Physical removal of all ground-mounted Solar Energy Generating Systems including solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Economic and Community Development Department, in conformance with applicable regulations, may allow the Owner or Operator to leave existing landscaping or specifically designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.
2. The City may revoke any approvals and/or pursue removal of the solar energy system at the Owner or Operator's expense in the following circumstances:
 - a. The solar energy system is not installed and functioning within 24-months from the date of approval under this ordinance; or
 - b. The solar energy system is at any time left in an unsafe condition in respect to federal, state or local safety standards (as determined by the City); or
 - c. The solar energy system has not been brought back to a safe condition/operation or removed from the site within the required timeframe; or
 - d. The solar energy system is defective or abandoned and has not been removed from the site within required timeframe.

3. *Financial Surety.* Before the start of construction, the Owner or Operator of a solar energy system shall provide a form of surety, either through escrow account, performance bond or letter of credit from a creditable financial institution, in an amount sufficient to cover the cost of decommissioning in the event the City determines the solar energy system to be abandoned in accordance with Sec. 60-

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1431(a)(2) above. The financial guarantee shall include a provision granting and guaranteeing the City the authority to access the funds and property and perform the decommissioning should the facility be abandoned and the owner or operator fails to meet their obligations to remove the solar energy system. This amount shall be based upon a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, and submitted to the Planning Board at the time of application. The amount shall include a mechanism for calculating increasing removal costs due to inflation.

4. If the Owner or Operator of the Solar Energy Generating System fails to remove the installation in accordance with requirements of this section within 6 months of abandonment of the end of the useful life or date of abandonment, the City retains the right to use the performance guarantee and all other available means to cause an abandoned, hazardous or decommissioned Solar Energy Generating System to be removed.

Sec. 60-1432. – Appeals.

- (a) An appeal from a decision of the planning board on a Solar Energy Generating System permitted by special exception shall be in accordance with the provisions of Division 5 of Article XVI of this chapter.
- (b) An appeal from a decision of the staff review committee on a Solar Energy Generating System permitted by right shall be to the board of appeals. The board of appeals is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that the board of appeals determines may be necessary in order to render a decision on the appeal.

Passage of first reading on 5-18-2020, 7-0.

Passage of second reading on 6-1-2020, 7-0.

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IN CITY COUNCIL

ORDINANCE 05-05182020

Amendment to Chapter 60, Article IV, Division 2: Agriculture and Resource Protection District, Sec. 60-145(a) to add #16 and Sec. 60-145(b) to add #18

Be it Ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Article IV, Division 2. – Agriculture and Resource Protection District, Section 60-145(a) and Section 60-145(b) (as attached).

Chapter 60, Article IV, Division 2, Agriculture and Resource Protection District,
Sec. 60-145. – Use Regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.

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- (8) Plant and tree nurseries.
 - (9) Greenhouses.
 - (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
 - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
 - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
 - (15) Marijuana manufacturing accessory to a licensed cultivation site.
 - (16) Ground-Mounted and Dual-Use Solar Energy Generating Systems less than one acre in total land area as defined in Sec. 60-1425.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

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- (5) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
- (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
- (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
 - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

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- b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures

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used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
- b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) Ground-Mounted and Dual-Use Solar Energy Generating Systems greater than one acre in total land area as defined in Sec. 60-1425, subject to the following conditions:

- a. Must comply with the provisions of Article XVIII under this chapter;
- b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 1. Rear. There shall be behind every structure associated with a Solar Energy Generating System a rear yard having a minimum depth of 25 feet.
 2. Side. There shall be a minimum distance of 15 feet between any structure associated with a Solar Energy Generating System and the side property line.
 3. Front. There shall be in front of every structure associated with a Solar Energy Generating System a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- c. Lot coverage shall not exceed 30%, as defined under Sec. 60-1430(a)(II).
- d. Total Land Area. Once one percent of the Agriculture and Resource Protection District has been developed into Solar Energy Generating Systems, the Planning Board must find that any additional proposed Solar Energy Generating Systems will not materially alter the stability of the overall land use pattern of the Agriculture and Resource Protection District. In making this determination, the Planning Board shall consider the overall effect of existing and potential Solar Energy Generating Systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The Planning Board shall request an assessment of the proposed project based on Sec. 60-145(b)(18)(d) by the Agriculture Committee and, if located in the Resource Protection District, the Conservation Commission and carefully consider their recommendations.
- e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
- f. If a Solar Energy Generating System is proposed on forestland in the Agriculture and Resource Protection District, on a parcel adjacent to prime farmland or land currently

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used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the Solar Energy Generating System will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 2. At the time of decommissioning of any Solar Energy Generating System approved by the Planning Board, the current sitting Planning Board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the Maine Department of Inland Fisheries and Wildlife, an IF&W recommendation shall be secured before a Planning Board ruling.
 4. A Vegetative Cover Plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. Prime Soils. All Solar Energy Generating Systems proposed in the Agriculture and Resource Protection District shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the Planning Board that:
1. Non-prime farmland is not reasonably available on the subject property;
- h. All applications for Solar Energy Generating Systems in the Agriculture and Resource Protection District shall be subject to the following provisions:
1. Siting of the overall facility and individual panels shall keep with the existing contours of the land, and
 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation, and
 3. To the extent possible, infrastructure shall not be located on steep slopes, and
 4. A plan for topsoil maintenance shall be provided at the time of application to the Planning Board.
- i. All Operations and Maintenance Plans shall also include:
1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 2. A plan that provides habitat for native plants and animals and native pollinators.

Passage of first reading on 5-18-2020, 6-1 (Councilor Gerry opposed).

Passage of second reading on 6-1-2020 with amendments, 6-1 (Councilor Gerry opposed).

Holly C. Lasagna, Ward One
 Timothy B. MacLeod, Ward Two
 Stephen G. Milks, Ward Three
 Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
 Belinda A. Gerry, At Large
 Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 06-10052020

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits to incorporate the following maximum levels of assistance to be effective on and after October 1, 2020 through September 30, 2021, as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

- (a) Each year the Maine Municipal Association provides for the city three appendices providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:
 - (1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.
 - (2) Appendix B, a listing of maximum levels of assistance for food.
 - (3) Appendix C, a listing of maximum levels for heated and unheated housing.
- (b) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the Office of the City Clerk.

Editor's note— The appendices referred to in this section are not codified but are available in the office of the city clerk.

Appendix A – GA Overall Maximums
 Effective 10/1/2020 – 9/30/2021

TOTAL NUMBER IN HOUSEHOLD:	1	2	3	4	5
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	741	798	1,057	1,287	1,633

Add \$75.00 for each additional person

Appendix B – Food Maximums

Holly C. Lasagna, Ward One
 Timothy B. MacLeod, Ward Two
 Stephen G. Milks, Ward Three
 Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
 Belinda A. Gerry, At Large
 Katherine E. Boss, At Large

Jason J. Levesque, Mayor

Effective 10/1/2020 – 9/30/2021

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2020, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	47.44	204
2	86.98	374
3	124.42	535
4	158.14	680
5	187.67	807
6	225.35	969
7	249.07	1,071
8	284.65	1,224

****Note: For each additional person, add \$146 per month.**

Appendix C – Rental Maximums
 Effective 10/1/2020 – 9/30/2021

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
Bedrooms				
0	137	587	160	688
1	140	603	171	736
2	181	779	222	953
3	230	990	280	1,203
4	295	1,267	356	1,530

Passage of first reading on 10/5/2020 7-0.
 Passage of second reading on 10/19/2020 7-0.

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 07-10192020

Be it ordained, that the Auburn City Council hereby adopts an amendment to Appendix A Fees, of the City of Auburn Ordinances to offer Delegated Review Permits on behalf of the State of Maine at 25% of the fees that would otherwise be charged by the State of Maine for the same permits as shown in the attached document.

Passage of first reading 10/19/2020 7-0.
Passage of second reading 11/2/2020 6-0
(Councilor Walker absent).

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 08-11022020

ORDERED, that the Auburn City Council hereby adopts the proposed amendments to Chapter 14, Article XVIII – Adult Use and Medical Marijuana Businesses, Section 14-656, Section 14-658 and Section 14-659 of the Ordinances of the City of Auburn as shown on the attached copy of the Ordinance.

Passage of first reading on 11-2-2020 6-0 (Councilor Walker absent).
Passage of second reading on 12-21-2020 7-0.

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 09-11022020

ORDERED, that the Auburn City Council hereby adopts the proposed amendments to Chapter 60, Article IX – Home Occupation Regulations, Section 60-738 of the Ordinances of the City of Auburn as shown on the attached copy of the Ordinance.

Passage of first reading on 11-2-2020 5-1 (Councilor Gerry opposed, Councilor Walker absent).
Passage of second reading on 12-21-2020 6-1 (Councilor Gerry opposed).

ARTICLE IV. - HOUSING CODE

DIVISION 1. - GENERALLY

Sec. 12-145. - 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.

(Code 1967, § 20-A(1.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-146. - 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.

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~~ 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.

Paint stabilization means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint to the affected areas.

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.

Structural elements means all of the following components of a structure, including but not limited to: foundation, framing, sheathing, siding, roofing material, windows, doors, trim, eaves, porches, stairs, railings, guards; and interior surfaces such as sheetrock, plaster, ceiling tiles, ~~and~~ countertops, countertops, and floors.

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."

(Code 1967, § 20-A(art. V); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-147. - 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.

(Code 1967, §§ 20-A(1.2), 20A(1.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-148. - Validity of other laws.

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

(Code 1967, § 20-A(1.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-149. - 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 code compliance officer 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.

(Code 1967, § 20-A(1.6); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-150. - Procedure for granting exceptions.

- (a) The code compliance officer 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.

(Code 1967, § 20-A(1.7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-151—12-169. - Reserved.

DIVISION 2. - INSPECTIONS

Sec. 12-170. - Authority of code compliance officer.

The code compliance officer 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.

(Code 1967, § 20-A(2.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-171. - Right of entry for inspection.

For the purpose of making such inspections, the code compliance officer 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.

(Code 1967, § 20-A(2.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-172. - Owner and occupant to give free access.

- (a) *Access of code compliance officer.* The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the code compliance officer 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.

(Code 1967, §§ 20-A(2.3), 20-A(2.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-173—12-194. - Reserved.

DIVISION 3. - ENFORCEMENT

Sec. 12-195. - Procedure generally.

- (a) If the code compliance officer 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 planning and development.
 - (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 code compliance officer that such corrective action has been taken.

(Code 1967, § 20-A(3.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-196. - 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.

(Code 1967, § 20-A(3.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-197. - 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.

(Code 1967, § 20-A(3.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-198. - 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.

(Code 1967, § 20-A(3.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-199. - 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 code compliance officer, 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 office of planning and development 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.

(Code 1967, § 20-A(3.5); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-200. - Placarding of buildings unfit for human habitation.

- (a) *Authority of code compliance officer.* 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 code compliance officer, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the code compliance officer.
- (b) *Procedure.* To placard, the code compliance officer shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the code compliance officer 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 code compliance officer. The code compliance officer 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.

(Code 1967, § 20-A(3.6); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-201. - 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 that extreme danger or menace to the occupants or the public health exists, the code compliance officer, health officer, fire chief, and chief of police, or their duly qualified deputies 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.

(Code 1967, § 20-A(3.7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-202—12-224. - Reserved.

DIVISION 4. - MINIMUM STANDARDS

Sec. 12-225. - 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.

(Code 1967, §§ 20-A(6.1), 20-A(12.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-226. - Maintenance.

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

(b) All painted exterior surface areas of pre 1978 properties must be maintained in a manner to not cause a public nuisance or affect the health and safety of the occupants of the property where the condition exists or of surrounding properties. Paint stabilization must occur if the potential for such a condition exists.

(Code 1967, § 20-A(6.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-227. - 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. All plumbing facilities required by this Code shall be in accordance with the requirements of the plumbing code adopted by the city as of date of installation and maintained in good sanitary working condition; water-related plumbing facilities required by this Code shall be connected to adequate supply of water.

(Code 1967, § 20-A(art. 7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-228. - 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, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet from the exterior walls, five feet above floor level, as required by prevailing weather conditions. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.
- (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 and maintained 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

(Code 1967, § 20-A(art. 8); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-229. - Electrical and lighting.

All lighting and other electrical facilities shall be in accordance with the requirements of the electrical code adopted by the city and shall be maintained in good, safe and suitable electrical order.

(Code 1967, §§ 20-A(9.1), 20-A(9.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-230. - 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.

(Code 1967, §§ 20-A(9.3), 20-A(12.3), 20-A(12.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-231. - 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 code compliance officer may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

(Code 1967, § 20-A(10.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-232. - 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.

(Code 1967, § 20-A(10.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-233. - 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.

(Code 1967, § 20-A(art. 11); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-234. - 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.

(Code 1967, § 20-A(12.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 10-11022020

ORDERED, that the Auburn City Council hereby adopts the proposed amendments to Chapter 12, Article IV – Housing Code, Division 1 – Generally, Section 12-146, Section and 12-226 of the Ordinances of the City of Auburn as shown on the attached copy of the Ordinance.

Passage of first reading on 11-2-2020 6-0 (Councilor Walker absent).
Passage of second reading on 11-16-2020 7-0.

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 11-12072020

Be it ordained, that the City Council hereby adopts a zoning map change to expand the T-4.2 Traditional Downtown Neighborhood to the Downtown Enterprise District in the area adjacent to Academy, Maple, Elm, Pleasant, High, Drummond, and a portion of Spring street, to exclude the lots on Elm street from Main to High and the Multifamily Urban District in the Laurel Avenue and Newbury neighborhood.

Passage of first reading on 12-7-2020 7-0.
Passage of second reading on 12-21-2020 7-0.

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 12-12072020

Be it ordained, that the City Council hereby adopts a zoning map change to expand T-4.1 Traditional Main Street Neighborhood expand along Elm from Main to High for parcels on that section of Elm St.

Passage of first reading on 12-7-2020 7-0.
Passage of second reading on 12-21-2020 7-0.