



City Council Ordinance

IN CITY COUNCIL

Amending the Code of Ordinances, Sec. 16-49. Security Systems and Appendix A Fees and Charges, Emergency Management and Services

Be it ordained, that the City Council hereby amends the Code of Ordinances, Sec. 16-49. Security Systems as follows:

Sec. 16-49. Application; false statements; issuance; transferability; permit fees.

(a) The application for a permit shall contain the following information:

(1) Name, business address, home address, business telephone number, and home telephone number of the person in whose name the permit is requested;

(2) Name, business telephone number, and home telephone number of two persons who are authorized and have agreed to receive notification at any time from responding police personnel to come to the alarm site within 30 minutes after receiving such notification;

(3) Classification of the alarm site as residential, commercial or banking institution;

(4) Purpose of the alarm (i.e. burglary, robbery);

(5) Any other information required by the chief to ensure compliance with all provisions of this article.

(b) The permit holder shall notify the chief of any change in the information contained in the application within five days of such change.

(c) If the application complies with all requirements of this article, the chief shall issue a permit upon receipt of a permit fee in the amount provided in the city fee schedule.

(d) Any false statement of a material nature made by an applicant for the purpose of obtaining a permit shall be grounds for denial of the issuance of the permit, or cancellation of the permit if it has been issued.

(e) A permit is not assignable or transferable to another person.

(f) A permit shall be valid until the property ownership is transferred or the system is eliminated. ~~for the period of January 1 through December 31 of the same year issued. However, if a permit is obtained after December 1, the permit shall be valid through December 31 of the~~



City Council Ordinance

~~next calendar year. Permits expire on December 31. After expiration, a new application must be made.~~

~~(g) Permit renewals for the next calendar year shall start on December 1 of the year of expiration. Renewals may be made on weekdays during normal business hours in person, by telephone, or by mail. A renewal fee in the amount provided in the city fee schedule will be charged if renewal occurs before expiration. There will be an additional charge in the amount provided in the city fee schedule for renewals made after December 31.~~

(Ord. of 10-1-2007(01), § 2.3)

Appendix A FEES AND CHARGES

Emergency Management and Services

Security (alarm) system permit:

~~Initial issuance~~ Issuance 30.00

~~Annual renewal fee, if paid on or before December 31~~ \$5.00



City Council Ordinance

Passage of first reading on 1/3/2023 6-0 (Councilor Milks had an excused absence).

Passage of second reading on 1/17/2023 6-0 (Councilor Milks had an excused absence).

~~Annual renewal fee, if paid after December 31 \$30.00~~

Richard Whiting, Ward One
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Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

Amending Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV.

Be it ordained, that the Auburn City Council adopts a Zoning text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Passage of first reading on 2/13/2023, 5-2 (Councilors Gerry and Whiting opposed).

Passage of second reading on 2/17/2023, 4-2 (Councilors Gerry and Whiting opposed, Councilor Morin absent).

Richard Whiting, Ward One
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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations

Be it ordained, that the Auburn City Council hereby adopts a Zoning text amendment involving use standards related to conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

Passage of first reading on 4/18/2023 7-0.
Passage of second reading on 5/01/2023
5-0 (Councilors Morin and Staples
absent).

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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions

Be it ordained, that the Auburn City Council hereby adopts a Zoning text amendment involving definitions for conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions, by adding the definition of Conservation Cemetery to Sec. 60-2 as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

Passage of first reading on 4/18/2023 7-0.
Passage of second reading on 5/01/2023
5-0 (Councilors Morin and Staples
absent).

Richard Whiting, Ward One
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Jason J. Levesque, Mayor

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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

TITLE: Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places)

Be it ordained, that the City Council hereby amends Appendix A to the Code of Ordinances, City of Auburn, Maine – Fees and Charges (Streets, Sidewalks, and other Public Places) as follows:

Streets, Sidewalks and Other Public Places

Display of goods permit—each 0.00

Excavation permits:

~~Minimum charge—single continuous work area 10.00~~

~~Maximum charge—single continuous work area 500.00~~

Excavation/Street Opening Permits—per square foot*:

Newly constructed, reconstructed or repaved street 6.00

Paved streets 5.00

Gravel streets and shoulders 3.00

Construction areas (streets scheduled for full-depth construction 5.00

**Applicability Date: Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.*

Sidewalk openings—per square foot:

Concrete, brick, bituminous 1.50

Other openings:

1.00 for all other materials

Entrance permit—each 20.00

Private property N/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements 2%

Private streets—as percentage of estimated costs of required public-type improvements 2%

Special exceptions—the greater of:

Richard Whiting, Ward One
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ORDINANCE 05-06052023

City Council Ordinance

Minimum 200.00

Percentage of public type improvements 2%

Passage of first reading on 6/5/2023 7-0.
Passage of second reading on 6/20/2023 7-0.

Richard Whiting, Ward One
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Jason J. Levesque, Mayor

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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



ORDER 06-06202023

City Council Order

IN CITY COUNCIL

Amending the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations

BE IT ORDAINED, that the City Council hereby amends the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations below.

(2) → *Density*. Not more than ~~30-60~~ percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2). ¶

Passage of first reading on 6/20/2023 7-0.
Passage of second reading on 7/10/2023 5-1 (Councilor Gerry opposed, Councilor Whiting absent).

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Phillip L. Crowell, Jr., City Manager



City Council Order

IN CITY COUNCIL

Amending the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations

BE IT ORDAINED, that the City Council hereby amends the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations below.

(2) → *Density*. Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

Passage of first reading on 6/20/2023 7-0.
Passage of second reading on 7/10/2023 5-1 (Councilor Gerry opposed, Councilor Whiting absent).

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City Council Order

IN CITY COUNCIL

Amending the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations

BE IT ORDAINED, that the City Council hereby amends the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations below.

(2) → *Density*. Not more than ~~40-60~~ percent of the total lot area shall be covered by buildings. ¶

Passage of first reading on 6/20/2023 7-0.
Passage of second reading on 7/10/2023 5-1 (Councilor Gerry opposed, Councilor Whiting absent).

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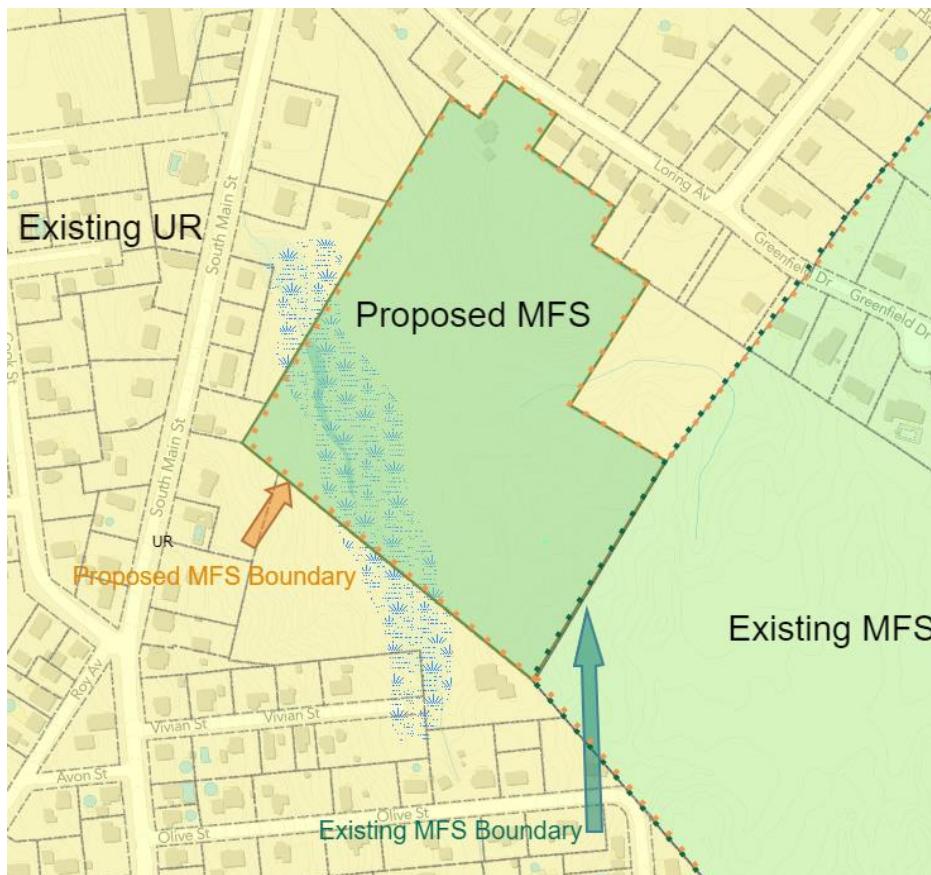


City Council Ordinance

IN CITY COUNCIL

TITLE: Zone Change Petition to amend the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban

Be it ordained, That the Auburn City Council amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue on Auburn Tax Map Parcel I.D. 211-282 from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district as shown in this packet.



Failed first reading on 6/20/2023 0-7 (unanimously opposed).

Failed second reading on 7/10/2023 0-7 (unanimously opposed).

Richard Whiting, Ward One
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City Council Ordinance

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Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

Amending the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District.

Be it ordained, That the Auburn City Council amend the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District as shown in the attached "Proposal B" with an amendment to replace the text "Ordinance #XXXX" on page 10 of Proposal B with the text " Ordinance # 10-06202023.

Passage of first reading on 6/20/2023 5-2 (Councilors Gerry and Whiting opposed).

Passage of second reading on 7/10/2023 6-0 (Councilor Whiting absent).

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**ORDINANCE 11-09052023
DID NOT PASS**

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B, specifically adding an asterisk (*) to the Table of PRINCIPAL BUILDING PLACEMENT, *Front Setback, Principle for Traditional Neighborhood T-4.2B* and adding the following underlined language to the same section: "Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area."

Failed first reading on 9/5/2023 0-7.

Failed second reading on 9/18/2023 0-7.

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City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B, adding * Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area for Traditional Downtown Neighborhood T-4.2B and to add the zoning district Traditional Neighborhood (Transect T-4.2B) to Sec. 60-4-. zoning districts as shown in the attached draft ordinance language.

Passage of first reading on 9/5/2023 5-2 (Councilors Gerry and Whiting opposed).

Passage of second reading on 9/18/2023 5-2 (Councilors Gerry and Whiting opposed).

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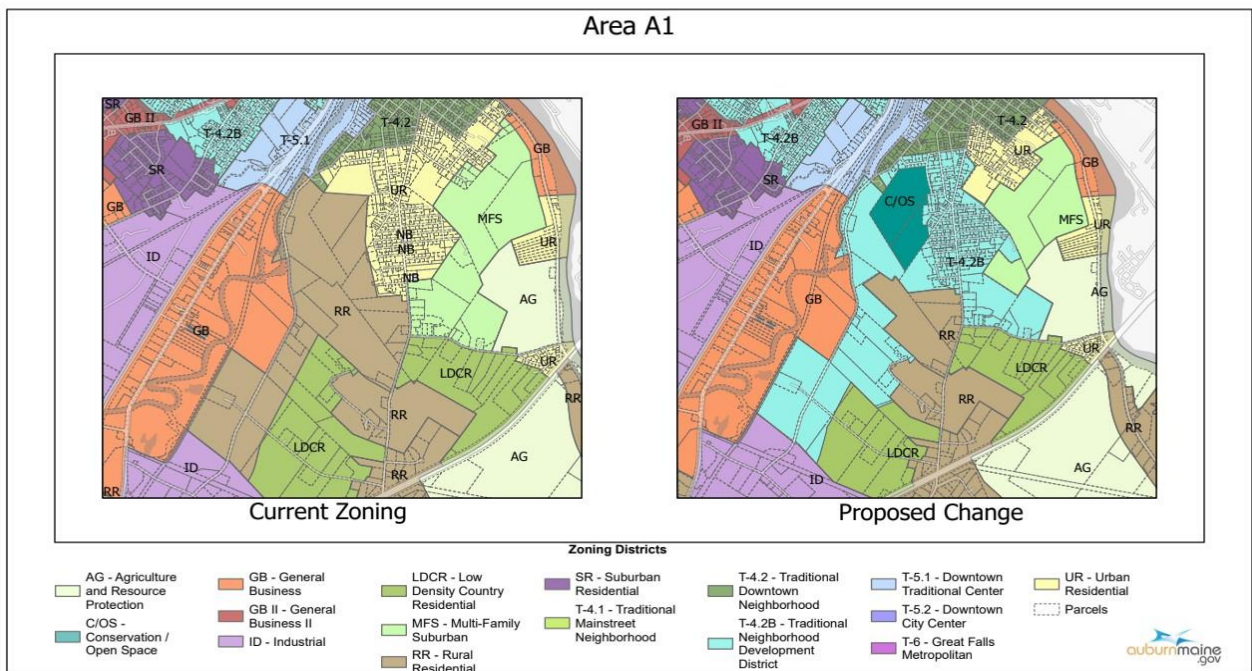


City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR, MFS, NB, RR, and LDCR zoning to T-4.2B in Area A1

Be it ordained, That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district as shown on the attached map.



Passage of first reading on 9/5/2023 4-3 (Councilors Walker, Gerry, and Whiting opposed).

Passage of second reading on 9/18/2023 5-2 (Councilors Gerry and Whiting opposed).

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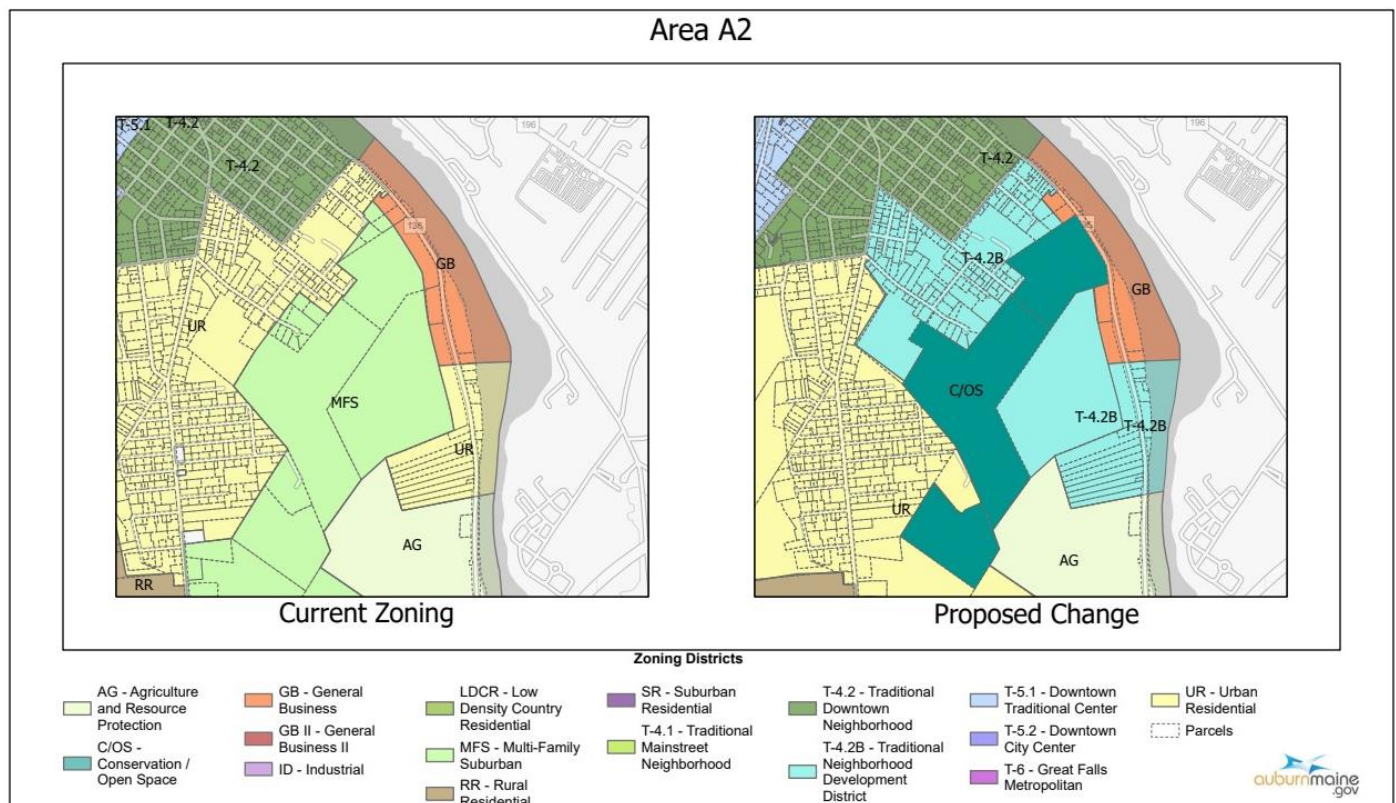
**ORDINANCE 14-09052023
NOT PASSED**

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area A2

Be it ordained, That the Auburn City Council amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. as shown on the attached map.



**Failed first reading on 9/5/2023 0-7.
Failed second reading on 9/18/2023 0-7.**

Richard Whiting, Ward One
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Phillip L. Crowell, Jr., City Manager

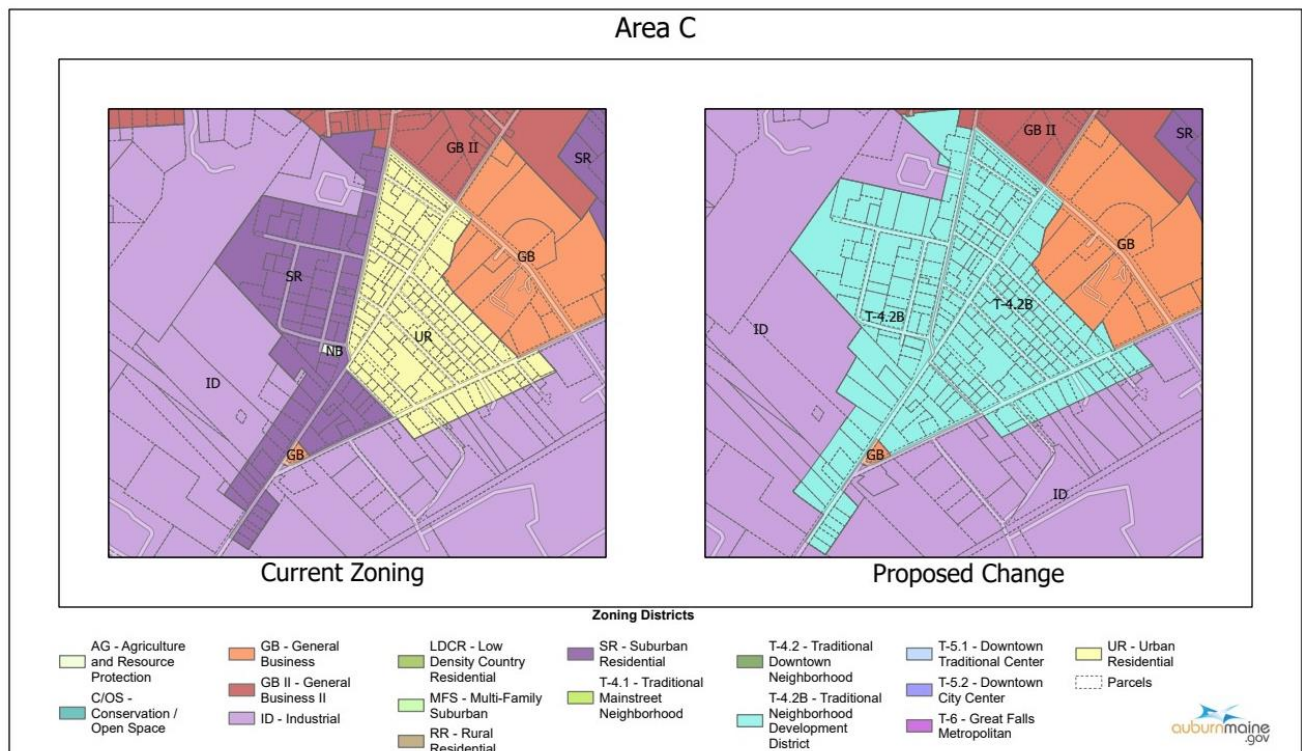


City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR, SR, ID, GB, and NB zoning to T-4.2B in Area C

Be it ordained, That the Auburn City Council amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



Passage of first reading on 9/5/2023 5-2 (Councilors Gerry and Whiting opposed).

Passage of second reading on 9/18/2023 5-2 (Councilors Gerry and Whiting opposed).

Richard Whiting, Ward One
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Phillip L. Crowell, Jr., City Manager

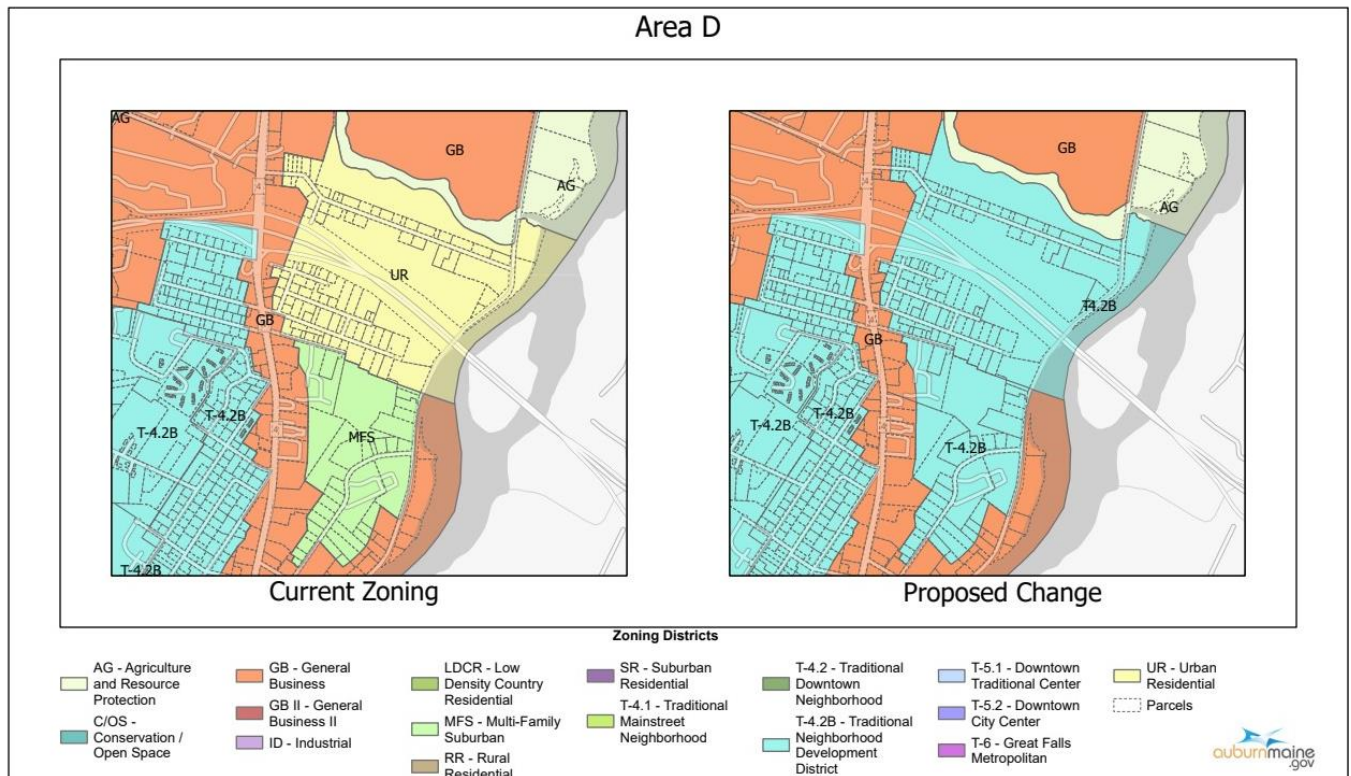


City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area D

Be it ordained, That the Auburn City Council Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



Passage of first reading on 9/5/2023 5-2 (Councilors Gerry and Whiting opposed).

Passage of second reading on 9/18/2023 5-2 (Councilors Gerry and Whiting opposed).

Richard Whiting, Ward One
Joseph Morin, Ward Four
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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance, including:

1. Add “or two acres, whichever is less” after the word coverage in Sec. 60-145(a)(1)(a).
2. Add “agriculture,” in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm.
3. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145(a)(1)(c) after the reference to “Sec. 60-145(a)(1)(a)”.
4. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145 (a)(1)(d) after the reference to “Sec. 60-145(a)(1)(a)”.
5. Add “along a publicly accepted street” to 60-146(1) after the word “frontage”
- ~~6. Add “or 400 feet, whichever is less” to Sec. 60-146(3)(c) after the word “lot”. (Not Recommended by PB)~~
7. Add “firewood processing, Christmas tree cultivation” to Sec. 145(a)(3) after the word “sugaring”.

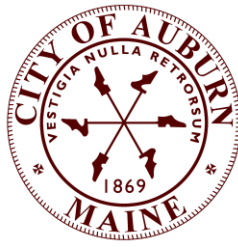
Passage of first reading as amended on 9/5/2023 6-1 (Councilor Milks opposed).

Passage of second reading on 9/18/2023 5-2 (Councilors Gerry and Milks opposed).

Richard Whiting, Ward One
Joseph Morin, Ward Four
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Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**ORDINANCE 18-09052023
NOT PASSED**

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map; and

Failed first reading on 09/05/2023 0-7.
Failed second reading on 09/18/2023 0-7.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**ORDINANCE 19-09052023
NOT PASSED**

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

(vii) Not be sited on any portion of a parcel that is classified as being:

- a. ~~Currently e~~Enrolled in the State of Maine Farmland Tax Program within the last five years; or
- b. ~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or
- c. ~~Currently e~~Enrolled in the State of Maine Open Space Tax Program within the last five years.

Failed first reading on 9/5/2023 0-6 (Councilor Walker not in the room for the vote).
Failed second reading on 9/18/2023 0-7.

Richard Whiting, Ward One
Joseph Morin, Ward Four
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Jason J. Levesque, Mayor

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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

AMENDING CHAPTER 24, ARTICLE II, DIVISION 1, SEC. 24-23 OF THE GENERAL ASSISTANCE ORDINANCE ANNUAL ADJUSTMENT OF MAXIMUM BENEFITS.

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, 2023 through September 30, 2024, as follows:

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

- (a) Each year the Maine Municipal Association provides 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.

Passage of first reading on 9/18/2023 7-0.
Passage of second reading on 10/16/2023 7-0.

Richard Whiting, Ward One
Joseph Morin, Ward Four
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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

2023-2024 GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	886	1,029	1,316	1,638	2,241
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,103	1,235	1,626	2,049	2,215
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	853	925	1,186	1,543	1,870
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	846	853	1,126	1,408	1,537
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,367	1,593	2,045	2,611	3,201
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	938	1,118	1,360	1,857	2,219

Appendix A

Effective: 10/01/23-09/30/24

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,154	1,217	1,509	1,961	2,207
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,327	1,393	1,834	2,489	3,175

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	742	812	951	1,281	1,464
Franklin County	781	834	1,033	1,383	1,695
Hancock County	965	996	1,198	1,521	1,655
Kennebec County	879	899	1,120	1,470	1,587
Knox County	905	913	1,120	1,490	1,592
Lincoln County	1,004	1,013	1,282	1,582	2,069
Oxford County	873	878	1,072	1,514	1,761
Piscataquis County	752	810	1,000	1,326	1,598
Somerset County	810	851	1,098	1,430	1,532
Waldo County	1,041	1,047	1,256	1,558	2,132
Washington County	811	816	1,060	1,328	1,453

* Please Note: Add \$75 for each additional person.

Appendix B

Effective: 10/01/23 to 09/30/24

2023-2024 Food Maximums

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, 2023, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 67.67	\$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00

Note: For each additional person add \$219 per month.

2023-2024 GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! ONLY consider adopting the following numbers if these figures are consistent with local rent values. If not, a market survey should be conducted, and the figures altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

Non-Metropolitan FMR Areas

<u>Aroostook County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	134	577	169	726	
1	139	598	185	794	
2	156	672	216	929	
3	218	940	292	1,256	
4	243	1,044	333	1,434	
<u>Franklin County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	143	616	178	765	
1	144	620	190	816	
2	175	754	235	1,011	
3	242	1,042	316	1,358	
4	296	1,275	387	1,665	
<u>Hancock County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	191	821	221	950	
1	191	821	228	979	
2	222	956	274	1,177	
3	285	1,227	348	1,496	
4	301	1,293	378	1,625	
<u>Kennebec County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	171	735	201	864	
1	171	735	205	882	
2	204	878	256	1,099	
3	274	1,176	336	1,445	
4	285	1,225	362	1,557	

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	177	761	207	890
1	177	761	208	896
2	204	878	256	1,099
3	278	1,196	341	1,465
4	286	1,230	363	1,562
<u>Lincoln County</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	200	860	230	989
1	200	860	232	996
2	242	1,040	293	1,261
3	300	1,288	362	1,557
4	397	1,707	474	2,039
<u>Oxford County</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	169	729	200	858
1	169	729	200	861
2	193	830	244	1,051
3	284	1,220	346	1,489
4	325	1,399	403	1,731
<u>Piscataquis County</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	136	587	171	736
1	139	596	184	792
2	168	721	227	978
3	229	985	302	1,301
4	274	1,178	365	1,568
<u>Somerset County</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	155	666	185	795
1	155	666	194	834
2	199	856	250	1,077
3	264	1,136	327	1,405
4	272	1,170	349	1,502

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	209	897	239	1,026
1	209	897	239	1,030
2	236	1,014	287	1,235
3	294	1,264	357	1,533
4	412	1,770	489	2,102

<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	155	667	185	796
1	155	667	186	799
2	190	818	242	1,036
3	241	1,034	303	1,303
4	254	1,091	331	1,423

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	172	742	203	871
1	196	841	235	1,012
2	250	1,074	301	1,295
3	313	1,344	375	1,613
4	437	1,879	514	2,211

<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	223	959	253	1,088
1	244	1,047	283	1,218
2	322	1,384	373	1,605
3	408	1,755	471	2,024
4	431	1,853	508	2,185

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	165	709	195	838
1	171	737	211	908
2	220	944	271	1,165
3	291	1,249	353	1,518
4	351	1,508	428	1,840

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	163	702	193	831
1	163	702	194	836
2	206	884	257	1,105
3	259	1,114	322	1,383
4	273	1,175	351	1,507
<u>Portland HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	284	1,223	314	1,352
1	327	1,405	366	1,576
2	419	1,803	471	2,024
3	539	2,317	601	2,586
4	660	2,839	738	3,171
<u>Sagadahoc Cty. HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	185	794	215	923
1	216	930	256	1,101
2	260	1,118	311	1,339
3	364	1,563	426	1,832
4	432	1,857	509	2,189
<u>York Cty. HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	235	1,010	265	1,139
1	239	1,029	279	1,200
2	295	1,267	346	1,488
3	388	1,667	450	1,936
4	429	1,845	506	2,177
<u>York/Kittery/S. Berwick HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	275	1,183	305	1,312
1	280	1,205	320	1,376
2	370	1,592	422	1,813
3	511	2,195	573	2,464
4	654	2,813	731	3,145

2023-2024 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2023 to September 30, 2024.**

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
NOTE: For each additional person add \$75 per month.						
(The applicable figures from Appendix A, <i>once adopted</i>, should be inserted here.)						

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	\$ 67.67	\$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00

NOTE: For each additional person add \$219 per month.

APPENDIX C - HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.95	\$ 85.50
2	\$22.52	\$ 96.50
3	\$24.97	\$107.00
4	\$27.53	\$118.00
5	\$29.88	\$128.50
6	\$32.55	\$139.50

NOTE: For each additional person add \$10.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$29.63	\$127.00
2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

NOTE: For each additional person add \$14.50 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

2023-2024 Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Comptroller. The current rate for approved employment and necessary medical travel etc. is 46 cents (46¢) per mile.

Please refer to the Office of the State Controller for changes to this rate at 626-8420 or visit <http://www.state.me.us/osc/>

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$1,025**.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary

Appendix H

Effective: 10/01/23-9/30/24

- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

2023-2024 GA Housing Maximums

Recovery Residences

The following Recovery Residence maximums are in effect from 10/1/2023- 9/30/2024

Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	148.88	595.50

<u>Franklin County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	153.00	612.00

<u>Hancock County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	183.56	734.25

<u>Kennebec County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	165.38	661.50

<u>Knox County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	165.38	672.00

<u>Lincoln County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	186.75	747.00

<u>Oxford County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	161.44	645.75

<u>Piscataquis County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	148.50	594.00

<u>Somerset County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	156.38	599.25

<u>Waldo County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	193.13	772.50

<u>Washington County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	149.81	599.25

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	189.75	759.00

<u>Cumberland Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	228.38	913.50

<u>Lewiston/Auburn MSA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	170.25	681.00

<u>Penobscot Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	156.75	627.00

<u>Portland HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	295.50	1182.00

<u>Sagadahoc Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	206.44	825.75

<u>York Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	225.00	900.00

<u>York/Kittery/S Berwick HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	258.00	1032.00



City Council Ordinance

IN CITY COUNCIL

Amending the Code of Ordinances, Chapter 14, Business Licenses and Permits, Article XVIII. Adult Use and Medical Marijuana Businesses

Be it ordained, that the City Council hereby approves the amendment of Chapter 14, Business Licenses and Permits, of the Code of Ordinances as follows (additions are underlined; deletions are ~~struck through~~):

ARTICLE XVIII. ADULT USE AND MEDICAL MARIJUANA BUSINESSES

Sec. 14-650. Title

This article shall be known and cited as the "City of Auburn Adult Use and Medical Marijuana Businesses Ordinance" and will be referred to hereinafter as "this ordinance". This ordinance limits all subject adult use and medical marijuana businesses to the zoning districts specified under the auburn zoning ordinance, prescribes definitions of adult use and medical marijuana businesses, and provides for permitting/licensing and regulation of adult use and medical marijuana businesses, and provides performance standards for adult use and medical marijuana businesses.

Sec. 14-651. Authority and applicability.

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. § 101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2421 et seq.; and the city's home rule

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. § 3001 et seq., and 30-A M.R.S. § 4301 et seq.

Sec. 14-652. Purpose.

It is the purpose of this ordinance to regulate adult use and medical marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of adult use and medical marijuana businesses in Auburn.

Persons or entities wishing to establish an adult use or a medical marijuana business within the City of Auburn shall first obtain a license from the Auburn City ~~Council~~Clerk (hereinafter "~~the city council~~") and shall be subject to the provisions of this ordinance.

This ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

Sec. 14-654. Effective date; applicability date.

The effective date of this ordinance [from which this article derived], and the business licensing thereunder, shall be the date of adoption by the city council. Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Article evidenced by Ordinance 21-09182023, when enacted, shall govern any proposed license application for which an application has not been submitted to and finally acted upon by the City prior to July 1, 2023.

Sec. 14-657. License required.

No person may establish, operate or maintain a marijuana business without first obtaining a license from the ~~city council~~clerk.

It is a violation of this ordinance for any person to operate a marijuana business without a valid marijuana business license issued by the ~~city~~ clerk pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. § 402, an applicant seeking to operate an adult use marijuana business may not submit an application for a license unless the applicant has been issued a conditional license by the ~~s~~State of ~~m~~Maine to operate the adult use marijuana business.

Marijuana business licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

Registered caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with article IX of the Auburn Zoning Ordinance and shall comply with all standards set forth in the article. Registered caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S.A. § 1502. Home cultivation of adult use marijuana for personal use is

Richard Whiting, Ward One
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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

exempt from the licensing requirements of this ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

Sec. 14-658. Application procedure.

- (a) *An application for a license must be made on a form provided by the city.*
- (b) *All applicants must be qualified according to the provisions of this ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this ordinance.*
- (c) *Application to establish a marijuana business.*
 - (1) If the applicant who wishes to operate a marijuana business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a marijuana business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
 - (2) The completed application for a marijuana business license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is an individual means the individual shall state their legal name and any aliases, and submit proof that they are at least 21 years of age.
 - b. If the applicant is a partnership. The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least 21 years of age.
 - c. If the applicant is a corporation. The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least 21 years of age.
 - d. If the applicant is a limited liability company (LLC). The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least 21 years of age.
 - e. If the applicant intends to operate the marijuana business under a name other than that of the applicant, they must state the marijuana business' name and submit the required registration documents.
 - f. If the applicant, an officer, member or employee has been convicted of criminal activity under state and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
 - g. If the applicant has had a previous license under this ordinance or other similar marijuana business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the marijuana business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must

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City Council Ordinance

list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

- h. If the applicant holds any other permits/licenses under this ordinance or other similar marijuana business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
- i. The type of marijuana business for which the applicant is seeking a license.
- j. The location of the proposed marijuana business, including a legal description of the property, street address, and telephone number.
- k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.
- l. The applicant's mailing address and residential address.
- m. Recent passport-style photograph(s) of the applicant(s).
- n. The applicant's driver's license.
- o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
- p. A copy of a city tax map depicting: The subject property lines and the property lines of other properties containing any existing marijuana businesses within 1,000 feet of the subject property; and the property lines of any public or preexisting private school within 750 feet of the subject property, measured in accordance with section 14-659.
- q. Evidence of all State approvals or conditional approvals required to operate a marijuana business at the subject premises.
- r. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, a building permit, site plan approval, change of use permit or certificate of occupancy for the subject premises.
- s. Evidence of all other local approvals or conditional approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, food service establishment licenses.

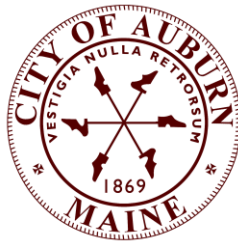
All applications for a marijuana business license shall be kept confidential by the city.

- (4) All applicants, including all individuals, officers, directors, managers, members, and partners, for any medical marijuana business license must be residents of the state, as defined in 22 M.R.S.A. § 2422.
- (5) If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and

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City Council Ordinance

managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

- (e) *Application and license fees.* All applications must be submitted with a \$500.00 fee. If an application is approved, the following license fees must be paid before the city will issue a license:

Marijuana store. Annual operation license fee: \$5,000.00.

Marijuana manufacturing facility. Annual operation license fee: \$2,500.00.

Marijuana testing facility. Annual operation license fee: \$2,500.00.

Adult use marijuana cultivation:

Tier 1. 0—500 square feet of plant canopy—Annual permit/licensing fee: \$1,000.00.

Tier 2. 501—2,000 square feet of mature plant canopy—Annual license fee: \$1,500.00.

Tier 3. 2,001—7,000 square feet of mature plant canopy—Annual license fee: \$2,500.00.

Tier 4. Greater than 7,000 square feet of mature plant canopy—Annual license fee: \$5,000.00.

Medical marijuana cultivation. Annual operation license fee: \$1,000.00.

Adult use marijuana nursery cultivation. Annual license fee: \$1,000.00 (Plant canopies of individual nursery cultivations are permanently capped at 1,000 square feet.)

Renewal applicants for adult use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for adult use marijuana cultivation licenses may not hold more than three such licenses or a total combined plant canopy in excess of 30,000 square feet.

- (f) *Complete application.* In the event that the city clerk determines that a submitted application is not complete, the city clerk shall notify the applicant that the application is not complete and shall inform the applicant of the additional information required to process the application.

Sec. 14-662. Appeals.

- (a) Any parties aggrieved by a decision of the city clerk under this ordinance may bring the following appeals to the city council:

(1) Appeal by the applicant of the city clerk's denial of an application;

(2) Appeal by the applicant of any license granted by the city clerk with conditions to which the applicant/licensee objects; and

(3) Appeal by any aggrieved party having legal standing of any decision by the city clerk to grant a license under this ordinance.

- (b) Appeals must be filed in writing with the office of the city clerk or designee within 30 days of the date of the decision subject to appeal.

- (c) The city council shall hold a *de novo* hearing on an appeal within 30 days of the date the appeal is received by the city, unless all parties consent to an enlargement of that time period. It shall be the duty of the city clerk



City Council Ordinance

or designee to notify such parties of the time and place of the hearing. At the hearing, the city council will receive evidence on the application. Following the hearing, the city council shall issue a written decision on the appeal with its findings of fact and conclusions of law.

(d) The city council may approve any application previously denied by the city clerk only upon the affirmative vote of five or more members of the city council.

(e) An appeal from any final decision of the city council may be taken by any party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Passage of first reading on 10/16/2023 4-3 (Councilors Milks, Morin, and Walker opposed).

Passage of second reading on 12/4/2023 7-0.

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City Council Ordinance

IN CITY COUNCIL

Be it ordained, That the Auburn City Council amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet as shown in the attached zoning text amendment.

Passage of first reading on 10/16/2023 7-0.
Passage of second reading on 11/6/2023 6-0 (Councilor Whiting absent).

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ORDINANCE 22-10162023

City Council Ordinance

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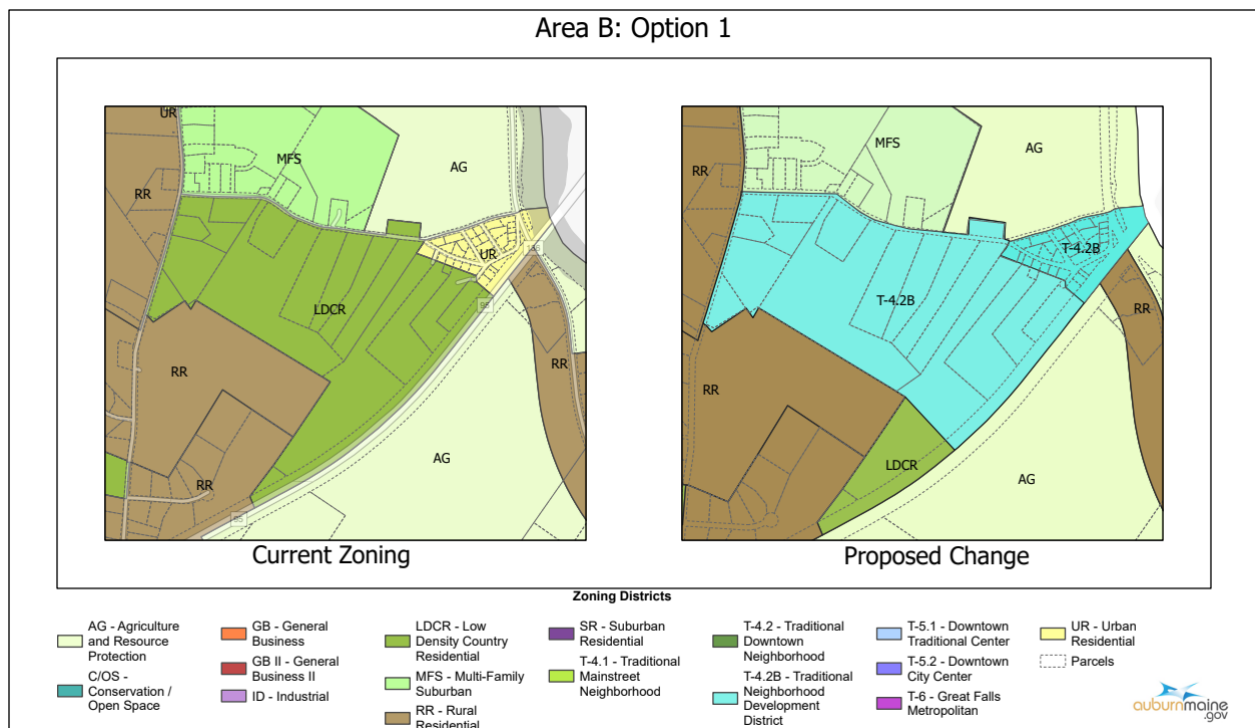


City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and LDCR zoning to T-4.2B in Area B.

Be it ordained, That the Auburn City Council Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map labeled Area B: Option 1.



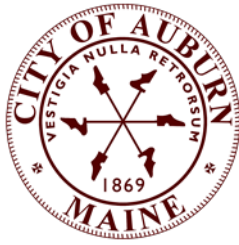
Failed first reading on 10-16-2023 1-5-1 (Councilors Gerry, Whiting, Milks, Morin, Staples opposed, Councilor Walker abstained).

Failed second reading on 11-6-2023 0-6 (Councilors Gerry, Hawes, Milks, Morin, Staples, Walker opposed, Councilor Whiting absent).

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City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment Rezoning Certain Land from LDRR or RR to LDCR

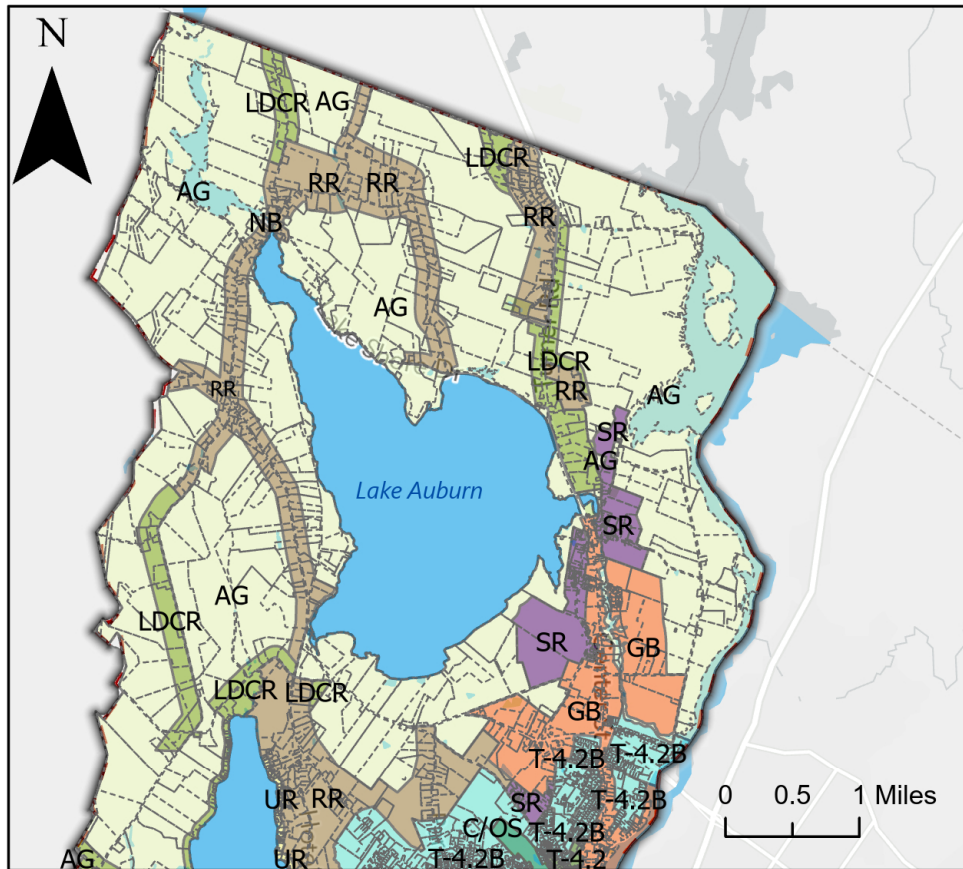
BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department.)

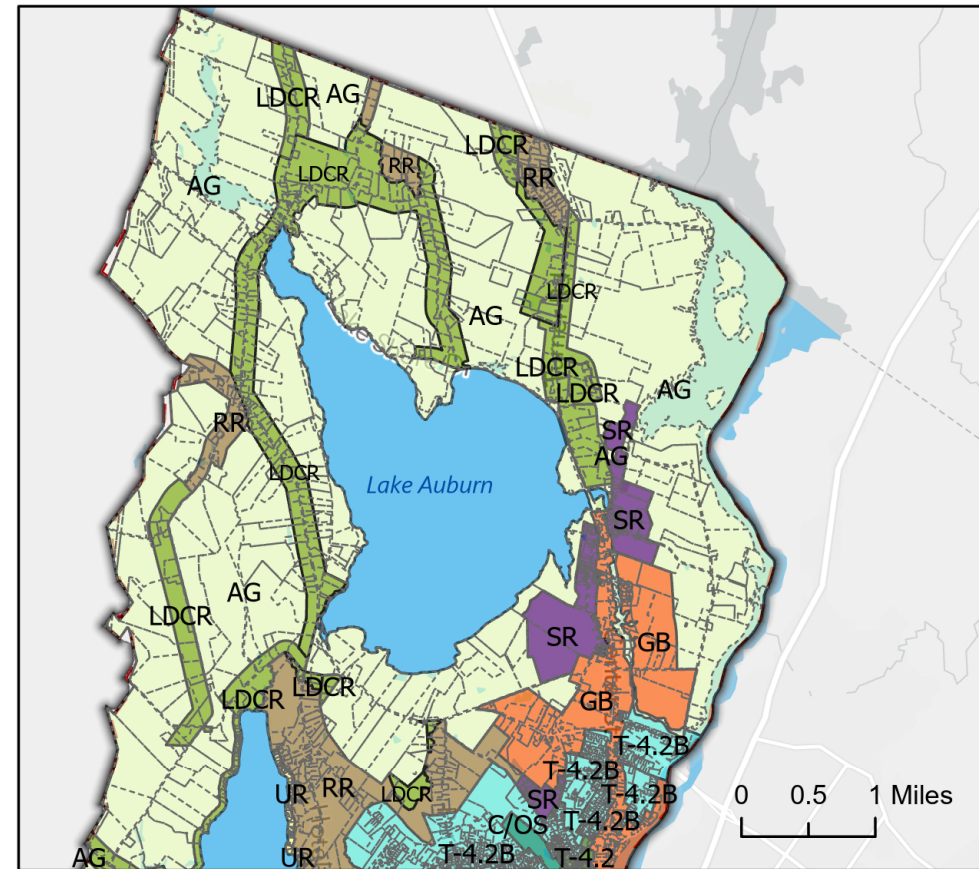
Passage of first reading on 11/20/2023 6-1
(Councilor Gerry opposed).

Passage of second reading on 12/4/2023 7-0.

Zoning Map Amendment for Public Hearing November 14, 2023: Rezoning Approximately 1,030 Acres of RR to LDCR



Existing Zoning



Proposed Zoning

- | | | |
|--|---|--|
| AG - Agriculture and Resource Protection | MFS - Multi-Family Suburban | T-4.2B - Traditional Neighborhood Development District |
| C/OS - Conservation / Open Space | NB - Neighborhood Business | T-5.1 - Downtown Traditional Center |
| GB - General Business | RR - Rural Residential | T-5.2 - Downtown City Center |
| GB II - General Business II | SR - Suburban Residential | T-6 - Great Falls Metropolitan |
| ID - Industrial | T-4.1 - Traditional Mainstreet Neighborhood | UR - Urban Residential |
| LDCR - Low Density Country Residential | T-4.2 - Traditional Downtown Neighborhood | Parcels |





City Council Ordinance

IN CITY COUNCIL

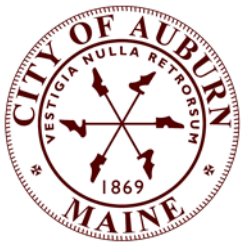
TITLE: Zoning Map Amendment Rezoning Certain Land from AGRP to GB

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone approximately 60 acres in parts of City Assessor’s Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department.)

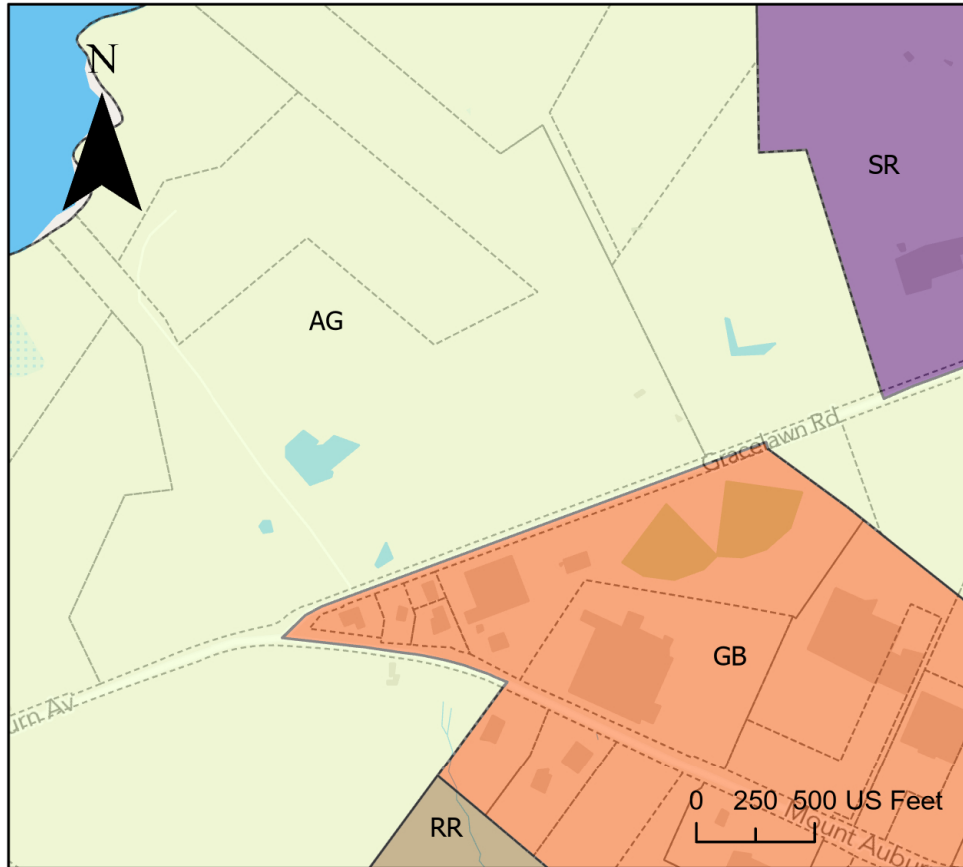
Passage of first reading on 11/20/2023 5-2 (Councilors Gerry and Whiting opposed).

Passage of second reading as amended on 12/4/2023 4-3 (Councilors Gerry, Whiting, and Walker opposed).

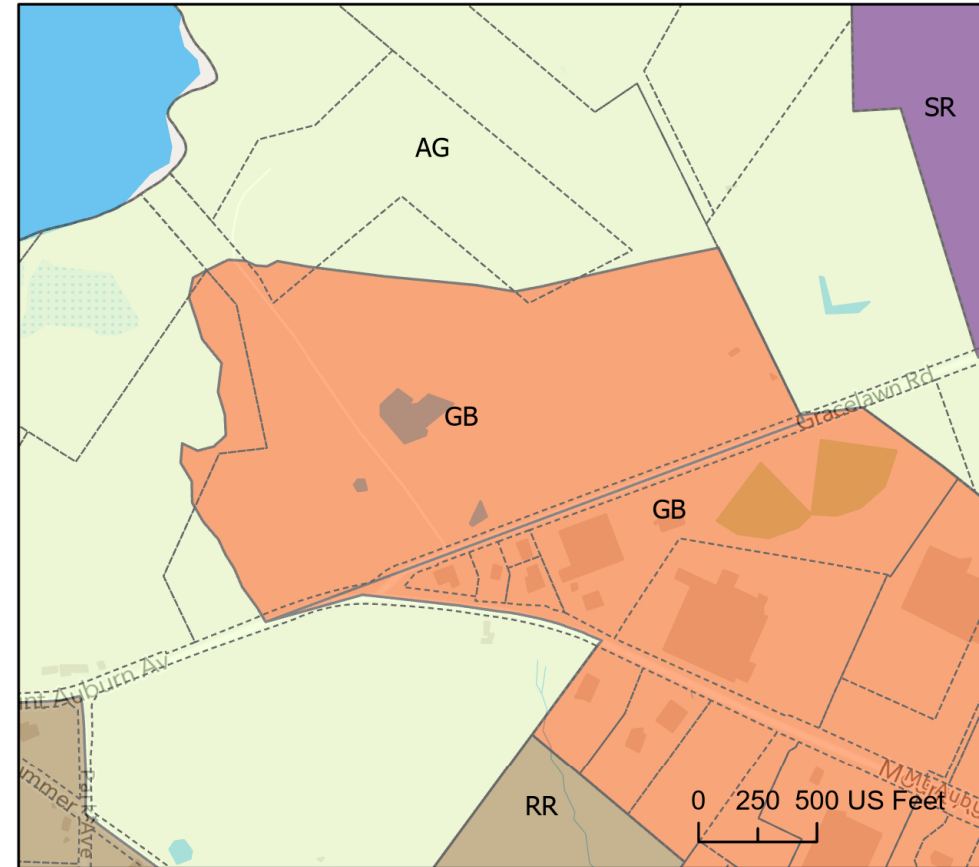


City Council Ordinance

Zoning Map Amendment for Public Hearing November 14th 2023: Rezoning Approximately 60 Acres of AGRP to GB



Existing Zoning



Proposed Zoning

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> AG - Agriculture and Resource Protection C/OS - Conservation / Open Space GB - General Business GB II - General Business II ID - Industrial LDCR - Low Density Country Residential | <ul style="list-style-type: none"> MFS - Multi-Family Suburban NB - Neighborhood Business RR - Rural Residential SR - Suburban Residential T-4.1 - Traditional Mainstreet Neighborhood T-4.2 - Traditional Downtown Neighborhood | <ul style="list-style-type: none"> T-4.2B - Traditional Neighborhood Development District T-5.1 - Downtown Traditional Center T-5.2 - Downtown City Center T-6 - Great Falls Metropolitan UR - Urban Residential Parcels |
|---|--|--|

* City of Auburn, Zoning Map, dated May 16, 2016



City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment of Lake Auburn Watershed Overlay District Boundary

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the Lake Auburn Watershed Overlay District within the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department.)

Passage of first reading on 11/20/2023 6-1 (Councilor Gerry opposed).
Passage of second reading on 12/04/2023 6-4 (Councilor Gerry opposed).



City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment Rezoning Certain Land from LDRR or RR to LDCR

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map and are detailed below.

- a. I make a motion to amend Sec. 60-950 adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name as shown.

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

- b. I make a motion to amend Sec. 60-951 (a)-Boundaries, adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name, and changing “city water district” to “Auburn Water District” as shown.

Sec. 60-951. Boundaries and definitions.

(a) Boundaries. The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburneity Wwater Deistrict on file in the office of the Auburneity Wwater Deistrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

- c. I make a motion to amend Sec. 60-951 (b)- Definitions, adding the definition of *certain drain, hobby agricultural use, Lake Auburn Watershed Protection*



City Council Ordinance

Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile to this section as shown below.

Sec. 60-951. Boundaries and definitions.

(b) Definitions. For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or limiting soil horizon means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:



City Council Ordinance

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

- d. I make a motion to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC’s Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown.

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff. ~~Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC’s Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC’s Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.~~

- e. I make a motion to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:



City Council Ordinance

Sec. 60-952. Use and environmental regulations.

- (b) ~~Residential dwellings in the agriculture and resource protection zoning district. Notwithstanding the provisions of Secs. subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new one-family detached dwellings units are only permitted-prohibited in the Lake Auburn Watershed Overlay District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.~~

- f. I make a motion to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

Sec. 60-952. Use and environmental regulations.

- (c) ~~Agricultural buffer strip. Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.~~

- g. I make a motion to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

Sec. 60-952. Use and environmental regulations.

- (d) ~~Municipal and mManure and sludge disposal. All spreading and disposal of municipal sludge is prohibited. shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal. Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.~~

- h. I make a motion to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown.

Sec. 60-952. Use and environmental regulations.



City Council Ordinance

- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
 - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
 - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburncity Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.
- i. I make a motion to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting original section 60-952 (f) (5) as shown.

Sec. 60-952. Use and environmental regulations.



City Council Ordinance

- (f) ~~Private subsurface wastewatersewage disposal systems.~~ The following regulations shall be adhered to in the development of private ~~subsurface wastewatersewage~~ disposal systems in the Lake Auburn Watershed Overlay District:
- (1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.~~
 - (2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-2 of the state plumbing code, part II (April 25, 1975), no new disposal fieldsubsurface absorption area shall be installed closer than 40000 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~
 - (3) ~~All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~
 - (4) ~~All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.~~
 - (5) ~~All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.~~
 - (6) ~~Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.~~
 - (7) ~~The Auburn city Wwater Ddistrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.~~
 - (8) ~~The local plumbing inspector shall furnish a copy of all site investigation-evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn city Wwater Ddistrict or its designee.~~
 - (9) ~~Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1982 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to amend Sec. 60-1065 to clarify the text as shown.



City Council Ordinance

Sec. 60-1065. Definitions.

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

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation $(P) = (FC)/(D)$. For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

Ord. 28-11202023

- k. I make a motion to amend Sec. 60-1237 to clarify the text as shown:

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~-variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewatersewage disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn City Water District with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn City Water District that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

Passage of first reading on 11/20/2023 5-2 (Councilors Gerry and Whiting opposed).

Passage of second reading on 12/4/2023 5-2 (Councilors Gerry and Whiting opposed).