



**City Council Workshop & Meeting
July 15, 2019
Agenda**

5:30 P.M. City Council Workshop

- A. Planning Board & City Council Joint Workshop – (30 Minutes)
- B. Environmental Performance Standards (Odors) Ordinance – Eric Cousens (20 minutes)
- C. Ag Committee Ordinance – Peter Crichton and Holly Lasagna (20 minutes)

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Young

Pledge of Allegiance

- I. **Consent Items** - None
- II. **Minutes**
 - July 1, 2019 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - **Presentation** - Auburn Suburban Girls U12 State Champs
 - **Presentation & Discussion** - Proposed Library Avenue Design (Eric Cousens & Zachary Lenhert)
- IV. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Comments will be limited to 3 minutes per speaker.
- V. **Unfinished Business**
 - 1. **Order 80-07012019**
Authorizing the issuance of Bonds for the Norway Savings Bank Arena. Second reading.
Passage requires an affirmative vote of 5 Councilors.
- VI. **New Business**
 - 1. **Order 85-07152019**
Authorizing the cancellation of the first regular City Council meeting of August (August 5, 2019).
 - 2. **Order 86-07152016**

Casting votes for members of the Androscoggin County Budget Committee.

Council may enter into executive session, pursuant to 1 M.R.S.A., Sec 405(6)(A) – personnel matter.

3. Ordinance 10-07152019

Amending the sign ordinance for Official business directory signs. First reading.

VII. Reports

- a. **Mayor's Report**
- b. **City Councilors' Reports**
- c. **City Manager Report**

VIII. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Comments will be limited to 3 minutes per speaker.

IX. Executive Session

- A. Contract negotiations (Fire), pursuant to 1 M.R.S.A. 405(6)(D).
- B. Contract negotiations (MSEA), pursuant to 1 M.R.S.A. 405(6)(D).

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 15, 2019

Author: Peter Crichton, City Manager

Subject: Joint Workshop between City Council and Planning Board

Information: This will be an open discussion by the City Council and Planning Board on the presentations regarding the proposed Agriculture Committee Ordinance and the proposed Marijuana Odor Ordinance, in addition to other topics that members of the Council and Planning Board may wish to discuss.

City Budgetary Impacts: No fiscal impact.

Staff Recommended Action: A good, healthy, respectful, and productive discussion.

Previous Meetings and History: This past year the City Council has started a practice of having representatives of city committees and boards as well as external organizations provide updates to the City Council and Mayor on their activities. Evan Cyr, Chair of the Planning Board, has addressed the City Council and Mayor earlier this year. This Joint Workshop is a continuation of that dialogue.

City Manager Comments:

I concur with the recommendation.

Signature:

A handwritten signature in blue ink that reads "Peter J. Crichton".

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 15, 2019

Author: Audrey Knight, City Planner

Subject: Proposed text amendments to Chapter 60, Article XIII Environmental Performance Standards.

Information: The proposed amendments are primarily to Sec.60-1038 Odors and pertain to detection, measurement and enforcement measures and methodology.

City Budgetary Impacts: Purchase of two (2) field olfactory meters (\$ 2-4,000) for police & code enforcement officers

Staff Recommended Action: Discuss changes from last workshop on this item. Schedule for public hearing 1st and 2nd readings and approve proposed amendments.

Previous Meetings and History: City Council considered a previous draft in workshop in May and a public hearing and passage of first reading occurred at the 5/20/2019 Council meeting, however it was not considered by the Planning Board until June. The Planning Board took up the item at a Public Hearing on June 11, 2019 and had many concerns and recommendations. Staff amended the ordinance to address the concerns and specifications of the Planning Board by working with code enforcement officers and researching other jurisdictions. A second Public Hearing was held at the Planning Board meeting on July 9, 2019 where the attached ordinance passed unanimously. Because substantial changes have been made from what was originally proposed, another workshop is being held on July 15, 2019, with another public hearing, first and second readings in August and September.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Carleton".

Attachments: Planning Board Staff Report package for July 9, 2019 with proposed amendments.

ARTICLE XIII. - ENVIRONMENTAL PERFORMANCE STANDARDS

DIVISION 1. - GENERALLY

Sec. 60-1034. - Purpose.

The purpose of the standards in this article relating to smoke, noise, vibration, odors, air pollution and electrical disturbance of infrastructure is to ensure that no new development occurs which may have an environmental impact that could be detrimental to the city or property owners or that may have a direct impact to property caused by nuisances directly or indirectly associated with the above environmental issues. The standards provided in this article shall apply to all nonresidential uses in the city.

(Ord. of 9-21-2009, § 5.6A)

Sec.60-1035. – Applicability.

No land use, facility, or activity shall be exempt from complying with the environmental performance standards contained in this article, Chapter 60-1035, Zoning, because of grandfathering or because of being an existing use, facility, or activity at the time the standards were enacted. The standards apply to all existing and future sources, land uses, facilities, and activities in the non-residential uses of the City, except as otherwise provided herein.

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Sec. 60-103~~5~~⁶. - Smoke.

- (a) For the purposes of determining the density of equivalent opacity of smoke, the Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333, May 1967, shall be used. The Ringlemann number referred to in this section refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringlemann No. 1 indicates a 20 percent density of the smoke observed.
- (b) All measurements shall be taken as close to the point emission of the smoke as reasonably possible.
- (c) In all zones, no development may emit from a vent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 1, except that an emission does not exceed a density or equivalent capacity of Ringlemann No. 2, is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a residential district.
- (d) In the industrial zone, no development use may emit from a vent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 2, except that an emission that does not exceed a density or equivalent capacity of Ringlemann No. 3 is permissible for a duration not more than four minutes during any eight-hour period if the source of emission is not located within 500 feet of a residential district.

(Ord. of 9-21-2009, § 5.6B)

Sec. 60-103~~7~~⁶. - Noise.

- (a) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level sound louder or softer to the human ear depending upon the frequency of the sound wave in cycles per sound (i.e., whether the pitch of the sound is high or low) and A-weighted filter

constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.

- (b) The standards established in the table set forth in subsection (c) of this section are expressed in terms of the equivalent sound level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at then-second intervals and computing the Leq.
- (c) Except as provided in subsection (d) of this section, the following table establishes the maximum permissible noise levels for nonresidential uses. Measurements shall be taken at the boundary line of the lot where the nonresidential use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the use is located.

	Zoning of Adjacent Lot		
	<i>Residential</i>	<i>General Business</i>	<i>Light Industrial</i>
Maximum sound level	50	60	70

- (d) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of ten dB(A) in excess of the figures listed in the table, except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.
- (e) Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

(Ord. of 9-21-2009, § 5.6C)

Sec. 60-103~~87~~ - Vibration.

- (a) No development in any zone may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at:
 - (1) The outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot; or
 - (2) The lot line if the enterprise generating the vibration is the only enterprise located on a lot.
- (b) No development in any zone may generate any ground-transmitted vibration in excess of the limits set forth in subsection (e) of this section. Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth in subsection (e) of this section.
- (c) The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- (d) The vibration maximums set forth in subsection (e) of this section are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where: ;b0;[W1] PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three components recorded.

(e) Table of maximum ground-transmitted vibration:

Particle velocity, inches-per-second	
<i>Adjacent Lot Line</i>	<i>Residential District</i>
0.020	0.02

(f) The values stated in subsection (e) of this section may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.

(g) Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

(h) Vibration resulting from the railroads passing through the city shall be exempt from these standards.

(Ord. of 9-21-2009, § 5.6D)

Sec. 60-10398. - Odors.

(a) For purposes of this section, the term "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter than can be detected by the abutters of the property in question.

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(1b) No development in any non-residential usezone may generate any odor that reaches the odor threshold, measured at the lot line of the enterprise generating the odor, of a "Dilution-to-Threshold", D/T, of Seven (7) or less using a field olfactometer.

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(2) Whether or not an odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. The use of a field olfactometer meter may be used for documentation, verification and enforcement as needed. A measurement reading of seven (7) D/T or less shall be maintained at the property line.

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(3) Odor observation shall be undertaken to arrive at a determination that an objectionable odor exists at the property line, or beyond the property line if a public space where people live, work or assemble is impacted.

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(4) If complaints are received regarding farming operations, and the farm is using Best Management Practices as outlined in state and federal standards, the Right-to-Farm, MRSA, Title 7, Chapter 6, Statute 153, shall prevail.

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b) Administration and enforcement. The Code Enforcement Officer, and/or their official designee, of the City of Auburn shall administer and enforce this article. The CEO will follow Sec.2-639 in determining time limits for corrective actions based on the level of risk or nuisance posed by the issue.

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(1) Upon receiving three (3) different complaints, the (CEO) shall investigate the issue. If the CEO detects and/or the operator indicates that management provisions installed within the facility are not being followed, the CEO shall provide verbal notice of violation with instructions to comply with the standards within 10 business days, and to inform the officer of efforts or completion within that time. The officer may use electronic meters or devices to measure and quantify the issue for comparative and/or enforcement purposes.

(2) If complaints persist and/or the issues are not resolved after the ten-day period described above, a written notice of violation, as specified under Chapter 2, Article VIII (Citation System of Code Enforcement), with the requirement that the owner/operator prepare a Mitigation Plan that meets the requirements of this ordinance, along with a time table for implementation within 30-days. If the installed mitigations fail to bring the facility into compliance, a specialist may be required to design a remedy, and the City may use contracted staff or peer review escrow fees to review the Mitigation Plan.

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(3) If the operator has not submitted the required report or made efforts to comply within 45-days the CEO shall issue a second written notice of violation and assess additional fines as specified under Chapter 2, Article VIII.

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(4) If the operator has not submitted the required report -or if the operator has not provided substantial evidence of attempted compliance -or within 60-days of the first written notice of violation, the City Manager may consider temporarily suspending the business license (if a business license was issued), under the provisions of Chapter 14, Article 11, (Business License), in addition to issuing further citations and penalties under Chapter 2, Article VIII. If the issue, complaints, or matter remains unresolved or addressed by the owner/operator within 90-days of the written notice of violation, the City Manager may ask the City Council to permanently revoke the business license, and/or further penalties and citations will be issued until the matter is resolved. e.

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Sec. 60-104~~39~~. - Air pollution.

- (a) Any development that emits an air contaminant as defined by the state department of environmental protection shall comply with applicable state standards concerning air pollution.
- (b) No zoning or special exception permit may be issued with respect to any new development covered by subsection (a) of this section until the state department of environmental protection has certified to the city that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

(Ord. of 9-21-2009, § 5.6F)

Sec. 60-104~~10~~. - Electrical disturbance or interference.

No use may:

- (1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or

- (2) Otherwise cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(Ord. of 9-21-2009, § 5.6G)

Secs. 60-104~~21~~ ~~60-1063.~~ ~~Authorization, e~~ ~~Enforcement and severability~~ ~~Reserved.~~

a) Authorization. This article is adopted pursuant to 30-A M.R.S.A. § 3001 and the City's Home Rule Powers as provided for in Article VII-A of the Maine Constitution and Title 30-A M.R.S.A. §§ 2101 through 2109 and in accordance with the authority of the City to seek judicial remedies in order to protect the inhabitants of the City the City as a municipal corporation, and individual residents of the City as provided for by the laws of the State of Maine, including, but not limited to 17 M.R.S.A. §§ 2702, 2705 and 2706; 30-A M.R.S.A. § 2002 and at common law.

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b) Severability. If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

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~~Sec. 60-1043- 60-1063. Reserved~~

DIVISION 2. - PHOSPHORUS CONTROL

Sec. 60-1064. - Purpose.

- (a) The purpose of this division is to provide protection against additional phosphorus export to Taylor Pond and Lake Auburn from new land uses and changes in existing land uses by ensuring that development within the watersheds does not generate more phosphorus than the water bodies can handle and by eliminating or reducing existing sources of phosphorus.
- (b) Phosphorus, a nutrient, stimulates algal growth, the main cause of water quality decline. The primary source of new and increasing phosphorus loading in the state lakes is land development: residential, commercial and industrial.

(Ord. of 9-21-2009, § 5.7A)

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 is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed 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 is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

Sec. 60-1066. - Applicability.

This division shall apply to all land areas within the direct watersheds of Taylor Pond and Lake Auburn. The following land uses shall be required to obtain a phosphorus control permit and conform to the standards contained in this division:

- (1) Any new building or structure with more than 575 square feet of ground floor area.
- (2) Any expansions or series of expansions of ground floor area of any existing building which increases the area of the ground floor by more than 30 percent of that which exists at the time of adoption of the ordinance from which this division is derived.
- (3) Any earth moving, brush and tree cutting which impacts 10,000 square feet or more whether accomplished as a single activity or as a series of activities beginning on the date of adoption of the ordinance from which this division is derived shall only meet the criteria contained in section 60-1069.
- (4) Road or driveway construction and reconstruction and parking area construction which affects more than 1,500 square feet of land area whether accomplished as a single activity or as a series of activities beginning on the date of adoption of the ordinance from which this division is derived shall only meet the criteria contained in section 60-1069.
- (5) All projects for which special exception, site plan and subdivision review is required.

(Ord. of 9-21-2009, § 5.7C)

Sec. 60-1067. - Exemptions.

This division shall not apply to the following:

- (1) Changes of use within an existing structure where no ground floor expansion and/or road, driveway and parking area expansion is planned.
- (2) Timber management or harvesting operations conducted according to a management plan prepared and supervised by a registered forester (unless required by division 4 of article XII of this chapter) or the city water district.
- (3) Agricultural uses conducted according to a soil and water conservation plan approved by the Androscoggin County Soil and Water Conservation District.

(Ord. of 9-21-2009, § 5.7D)

Sec. 60-1068. - Best management practices.

Agriculture, silviculture, mining, chemical use and storage and waste disposal activities should be conducted in accordance with the best management practices (BMPs) as recommended by the department of environmental protection, the state soil and water conservation commission, the cooperative extension service or other appropriate public service agency. New roads and the reconstruction of existing roads, driveways, drainage diversions, ditches and roadside buffers should be designed for the worst storm conditions in accordance with the best management practices (BMPs) recommended by the department of environmental protection, the state soil and water conservation commission, the cooperative extension service or other appropriate public service agency.

(Ord. of 9-21-2009, § 5.7E)

Sec. 60-1069. - Erosion and sedimentation controls.

A comprehensive erosion and sedimentation control plan, including a proposed program for the maintenance and periodic inspection of all control facilities which will remain after the project is completed and a designation of the responsible party, shall be submitted as follows:

- (1) *Taylor Pond Watershed*. A plan designed in accordance with the applicable sections of chapter 8 of the DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development, the latest edition of the Maine Erosion and sediment Control Handbook and all building and environmental protection requirements of this Code.
- (2) *Lake Auburn Watershed*. A plan designed in accordance with the applicable sections of chapter 8 of the DEP Phosphorous Control and Lake Watersheds: A Technical Guide to Evaluating New Development, the latest edition of the Maine Erosion and Sediment Control Handbook, and all building and environmental protection requirements of this Code and criteria of the city water district or commission.

(Ord. of 9-21-2009, § 5.7F)

Sec. 60-1070. - Submission requirements.

All projects subject to review under the provisions of this division shall submit a phosphorus control plan and maintenance provisions meeting the standards set forth in the manual Phosphorus Control and Lake Watersheds A Technical Guide to Evaluating New Development (Maine DEP et al., September 1989, with the Simple Review Method revised in May 1990).

- (1) *Plan submission*. Plans shall be submitted and processed in accordance with article XVI of this chapter. In addition to the requirements for submission under this article, the following instructions shall be provided:
 - a. A long-term maintenance plan for all phosphorus control measures including provisions for inspection and repair, designation of responsible parties, contractual obligations and proposed deed restrictions.
 - b. Hydrologic soil class of all areas to be cleared or where clearing will be permitted, with the area indicated in square feet of each lot using the appropriate method as described in the phosphorus control manual.
 - c. All calculations and worksheets in the format of those contained in the phosphorus control manual and detailed construction specifications and diagrams for all control measures.

- d. A comprehensive erosion and sedimentation control plan, designed in accordance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, March 1991, and all building and environmental protection requirements of this Code.

(2) *Review method.*

- a. All projects shall use the standard review method and shall conform to the Phosphorus Allocation standard set forth in this division including the following: Expansions of four lot subdivisions which were previously approved using the simple review method.
- b. Projects meeting the following criteria may employ the simple review method:
 - 1. Minor subdivisions with four or fewer lots provided that these developments contain less than 200 feet of new or upgraded roads and/or all driveways serving residential uses are less than 150 feet in length.
 - 2. Activity which includes less than 200 feet of new or upgraded road construction.

(3) *Commercial and industrial development and expansions.* Commercial and industrial development and expansions of commercial and industrial developments and the expansion of multifamily dwelling units, which involve less than 15,000 square feet of disturbed area. All other subdivisions including expansions of previously approved four-lot subdivisions which were reviewed using the simple review method and all other projects shall utilize the standard review method.

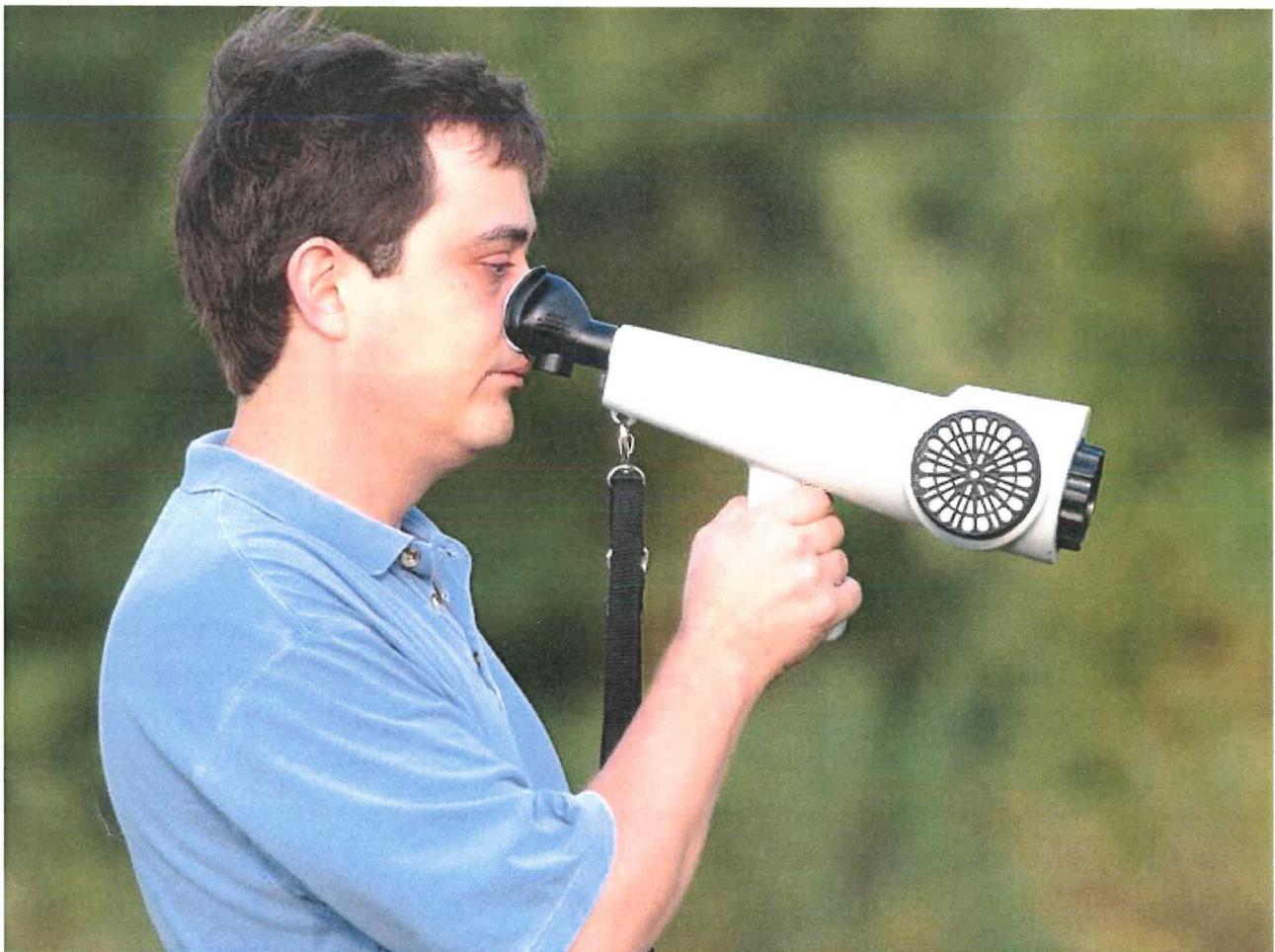
(Ord. of 9-21-2009, § 5.7G)

Secs. 60-1071—60-1093. - Reserved.

https://www.southbendtribune.com/news/local/niles-plans-to-sniff-out-pot-odors-from-marijuana-businesses/article_b6bdba96-bcad-11e7-aaeb-9fa5b429e9d2.html

Niles plans to sniff out pot odors from marijuana businesses

Mary Beth Spalding South Bend Tribune Oct 29, 2017



Environmental chemist Rob Dobson uses a nasal olfactometer to study odors near the Johnson County landfill in Lenexa, Kan., in this 2004 photo. Niles plans to use a similar device to test smells from businesses with licenses for medical marijuana.

CHRIS OCHSNER

NILES — Potential medical marijuana businesses in Niles could literally fail the smell test.

A provision for field olfactometer testing in the proposed zoning rules requires that a business not score higher than seven on a smell scale.

If it does — and fails to fix the problem in 72 hours — the city could revoke the marijuana business's license.

“There's a fabulous math algorithm that goes along with how they do this,” said Community Development Director Sanya Vitale. “There's a meter, we go to the edge of the property line, shoot the meter at the property line and if it's at seven or above then they might get a warning, definitely above seven.”

Vitale referred to information on the website for Nasal Ranger, a brand of field olfactometer. It costs about \$2,000, she said, but the city hasn't decided on a device, pending approval of the ordinance.

The Nasal Ranger website says its device “creates a calibrated series of discrete dilutions by mixing the odorous ambient air with odor-free (carbon) filtered air.” A “dilution to threshold” ratio is a “measure of the number of dilutions needed to make the odorous ambient air ‘non-detectable’.”

Odor control has been important to city officials since they began drafting rules earlier this year for potential medical marijuana businesses, Vitale said.

The state late last year approved a new commercial system for medical marijuana, allowing for five types of businesses: growers, processors, safety compliance facilities, secure transporters and provisioning centers or dispensaries. Municipalities are allowed to opt into the new system and set their own local rules in conjunction with state law. The state will begin accepting business license applications Dec. 15 and could issue the first licenses early next year.

Vitale said in researching local regulations, city staff talked to the city administrator in Durango, Colo., where marijuana is legal, and learned his biggest concern stemming from marijuana businesses, such as grow operations, was the odor.

Marijuana is a “smelly” plant, Vitale said, especially grown in quantities.

Niles' proposed ordinance outlines requirements for ventilation systems “to prevent any odor of medical marihuana (sic) off the premises of the business.” Growers and processors in particular will have odors to control, said Vitale, and maybe to a lesser extent dispensaries. She noted that no smoking or other consumption of marijuana products is allowed at dispensaries.

The field olfactometer test offers a “numeric quantification of the smell,” which the city hopes can be useful in enforcement of the odor rules, said Vitale.

Not downtown?

City officials are leaning toward taking the downtown area off the table altogether for the location of any medical marijuana business.

Dispensaries are the one type of business that were proposed to be allowed downtown.

“I won’t vote for any ordinance if we’re going to put the things downtown,” said council member Bob Durm at a recent council meeting, in a discussion about dispensaries. “I don’t think they belong in our downtown.”

Vitale said eligible area for medical marijuana businesses downtown is greatly limited because of the presence of the Niles District Library on Main Street. The proposed ordinance incorporates a state law that requires a 1,000-foot drug-free zone around any school or library, she said.

And now Vitale is recommending that the planning commission approve two redevelopment zones downtown as part of the city’s master plan. The designation of the zones could make the city eligible for various funding opportunities, she said, some of which could be federal. To make sure the areas are eligible for federal money, the plan is to exclude medical marijuana businesses.

She described the proposed redevelopment zones as running between River and Fifth Street and Wayne and Broadway, and down Third Street from Broadway to Bond.

Niles would allow dispensaries along the 11th Street commercial corridor and in the industrial park or on industrial property, where the four other types of medical marijuana businesses could locate. Only two dispensaries are proposed for the city, which council members seemed to agree on as a good number.

The number of the other types of businesses would not be capped.

Council members voted 5-3 to raise the number of medical marijuana structures allowed in the industrial park from two to four. A motion to uncap altogether the number of sites allowed in the industrial park failed 6-2.

Council member Daniel VandenHeede, who voted against both motions, said he was “strongly in favor of starting slow on this.”

“We don’t want to be known as Pot City, USA,” VandenHeede said.



Niles council OKs provisional pot licenses

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207.333.6601

To: Auburn Planning Board

From: Audrey Knight, City Planner

RE: Text Amendment to Article XIII, Environmental Performance Standards, Division 1, Sec.60-1038. Odors. *Revised June 26, 2019*

Date: July 9, 2019

I. BACKGROUND- The purpose of the Environmental Performance Standards section of the Zoning Ordinance is to ensure that new development has limited impact on its neighbors in contributing to noise, air quality, vibration, electrical disruptions and odors. The Odors section of this Article is being expanded to address assessment, definition, and enforcement of the ordinance. While the update to this section of the environmental standards was triggered by the development of the Marijuana Ordinance, it is applicable and relevant to all non-residential development projects in the city.

II. DISCUSSION - At the June 11, 2019 Planning Board Public Hearing of this item extensive discussion was held regarding several items of concern. Staff was asked to conduct research regarding other jurisdictions successful administration and handling of this issue, and to develop an alternate draft or alternatives for the Board to consider. Items of concern to the Planning Board could be summarized as:

- a. nuisance complaints to eliminate a business;
- b. the need for measurable, quantifiable metrics;
- c. violation and compliance should not be left to subjective opinions; and,
- d. the further need for an "observable or measured standard" to determine compliance.

Staff reviewed legal articles and Denver and Colorado, Sonoma and Mendocino Counties, Portland, ME, and Michigan ordinances and enforcement mechanisms and procedures. Each jurisdiction operates under different industry issues, enforcement air quality bodies, and urban densities, which in turn bring about different approaches. Common themes are to establish thresholds based on science and to use the now common field olfactory measuring devices to establish baselines and thresholds of tolerance. All use odor detection at the property line and more than half require more than one complaint to trigger field investigation by enforcement (the City of Portland requires complaints from 10 different properties to trigger action). Many jurisdictions have a regional air quality control board, environmental health division or other government agency for enforcement and reporting other than the central Code Enforcement officer staffed out of their Planning and Development office.

III. DRAFT LANGUAGE - The attached draft establishes an odor threshold that allows for the minor odors that ANY property may occasionally emit, which allows for minor, barely detectible emissions. It firmly connects with existing Code Enforcement practices so that all infractions are handled equally and consistently. This draft reflects a policy prohibiting egregious violations and assumes from the PB discussions that every complaint about an odor should not trigger an immediate commitment of staff time. Every complaint would be logged, and businesses that trigger at least three nuisance complaints within a week are assumed to be a problem odor that calls for investigation and action. This would allow for transitory emissions that are not on-going and concentrated to pass, and those that are on-going and strong would trigger multiple calls and therefore a site investigation.

The draft calls for the use of field olfactory meters (see attached) to be used to establish the degree of violation and establish what is needed to bring a property into compliance.

Auburn's Code Enforcement language is designed to be adaptive to the unique circumstance of each violation and reflects:

- degree of urgency (broken water pipe, oil spill- immediate life, health & safety),
- immediate or long-term impact of the violation (decreased property values, infestations – potential number impacted & effect of violation),
- the relative time and cost it may take to remedy the situation, and,
- the efforts and responsiveness of the owners or managers in addressing the problem.

Based on these factors Officers routinely work with businesses so that fines and penalties do not have to be assessed and properties can be brought into compliance. It allows for the nature and extent of the problem to be determined so that appropriate actions and time frames can be established before penalties are issued. This draft incorporates benchmarks to account for the possibility that a business may either be unable or unwilling to comply and provides an outside time limit for the offensive odors to continue before possibly being forced to shut down by removal of a business license or order of City Council (as is established by Chapter 14).

IV. PLANNING BOARD ACTION- The Planning Board is being asked to make a recommendation to the City Council on the proposed text amendment.

Audrey Knight, AICP

City Planner



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 15, 2019

Author: Peter Crichton, City Manager

Subject: Joint Workshop Presentation on proposed Agriculture Committee Ordinance

Information: This is the proposed Ag Committee Ordinance from the Working Group that was established to address the need for an ordinance to create the Ag Committee. Members of the Working Group were: Lucy Peck, Donald Peck, Mary Sylvester, Camille Parish, Councilor Holly Lasagna, Councilor David Young, staff Eric Cousens, staff Peter Crichton. The Ordinance addresses the purpose of the Agriculture Committee, the composition and qualifications of the committee members, powers and duties, Officers, meetings and records, the quorum required for a vote, and the appeals process.

City Budgetary Impacts: No fiscal impact.

Staff Recommended Action: Discuss the proposed ordinance.

Previous Meetings and History: Discussions that have been held previously by the Mayor's Ag Task Force under former Mayor Jonathan Labonte and the most recent Mayor's Ag Task Force under Mayor Jason Levesque. Two meetings were held by the Working Group on May 22 and June 6 to prepare the proposed ordinance.

City Manager Comments:

I concur with the recommendation.

Signature: 

Attachments:

Proposed Ordinance

Division 8. – Agriculture Committee

Section 2-485.1 – Purpose

The purpose of the Agricultural Committee shall be to proactively review city policies, practices, and ordinances to build a stronger food, agricultural, and resource economy in Auburn and to address the ongoing needs of protecting farms, farmland, natural resources, forestry businesses, and woodlots.

Section 2-485.2 – Committee established

An Agriculture Advisory Committee is hereby established to consist of nine members appointed by the City Council, two thirds of whom shall be residents of the city with highest priority given to selecting 5 or more members who own land or are actively engaged in agriculture or forestry in the Agriculture and Resource Protection Zoning District.

The terms of office shall be three years except that initial appointments after the date of adoption of the ordinance from which this division derives shall be such that the terms of no more than three members shall expire in any single year. For that purpose, the city council shall initially appoint three members for terms of one year, three members for terms of two years, and three members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. Subsequent appointments shall be for a term of three years.

Commented [EC1]: Some repetition that we can clean up in this paragraph.

Section 2-485.3 – Qualifications

All members of the Committee shall be selected upon the basis of their involvement, skill or expertise in agriculture, forestry, wildlife protection or preservation, conservation of natural resources, food system economics, public policy or related fields. Two thirds of the members of the Committee shall be residents of the City.

Section 2-485.4 – Powers and Duties

The Committee shall:

1. Make recommendations to the Planning Board and City Council and consult with the Conservation Commission regarding the ongoing needs of protecting farms, forestry businesses, farmland, woodlots and building a stronger food, agricultural and resource economy in Auburn.
2. Adjudicate special permission consistent with its authority pursuant to Section 60-145(a,1.,e) (NOTE to be deleted when reference is finalized: intended to reference residential use standards in AG zone, location TBD) consistent with the purpose set forth in Section 60-144 AGRP District Purpose);

3. Monitor trends in residential permitting activity within the Agriculture and Resource Protection Zoning District, promote enforcement of ordinances by city staff, and recommend changes to the City Council to protect the purposes of the District for agriculture, forestry and natural resources.
4. Promote opportunities for farm financing and farm, forestry or natural resource business development proposals, conservation and preservation of agricultural lands and encourage the marketing of Auburn's agricultural and forestry products;
5. Seek to coordinate the activities of local, State and regional organizations of similar purposes and collaborate to assist with education of the community regarding food systems, agriculture and forestry;
6. Research methods, best practices and successful policies that other communities are using to strengthen and support agriculture and forestry, and share information and ideas with community leaders.
7. Periodically review the Auburn Comprehensive Plan and land use ordinances for provisions that relate to agriculture and forestry in order to identify potential barriers and opportunities to modify Auburn's policies and ordinances to better support agriculture and forestry.
8. Support broad public participation in changes to municipal policies and ordinances that affect agriculture and forestry and provide opportunities for public input as changes are proposed.
9. Review applications for the Voluntary Municipal Farm Support Program and perform related duties as requested by the Auburn City Council.
10. Keep records of its meetings and activities and make an annual report to the city council;
11. Undertake any other agricultural or forestry related activity referred to it by the city council;
12. Adopt by-laws to govern the internal affairs of the Committee including meeting frequency;
13. May perform such other functions as are permitted by this Code.

Section 2-485.5—Officers, meetings and records.

1. The members shall elect from their membership a chairperson, a vice-chairperson and a secretary. Officers shall serve two-year terms.
2. All meetings of the Committee shall be open to the public, and notice, shall be provided to the public about such meetings.
3. The Committee may request that testimony provided during public hearings in front of the Committee be provided under oath.
4. Minutes shall be kept of all meetings.

Section 2-485.6 – Committees

The Committee may vote to create subcommittees and appoint members of such subcommittees to work on specific projects.

Section 2-485.7 – Quorum and necessary vote

As to any matter requiring a public hearing, no business shall be transacted by the Committee without a quorum, consisting of at least half of the voting members of the committee. If less than a quorum is present, the hearing shall be rescheduled, and the members and other interested parties shall be notified of the rescheduling.

Section 2-485.8 — Appeals

An appeal from any final decision of the Committee as to any matter over which it has final authority may be taken by any party to the Board of Appeals. (NOTE to be deleted when finalized: this needs more specificity and may apply only to quasi-judicial decisions, not recommendations. Reference to any duties of the BOA will need to be added to the BOA ordinance sections if the BOA is deemed the appropriate body. This would give someone that is dissatisfied with the decision of the Committee access to a Board that lacks agriculture and forestry expertise to overturn a decision.)LEGAL QUESTION

IN COUNCIL REGULAR MEETING JULY 1, 2019 VOL. 35 PAGE 68

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

Pledge of Allegiance

I. Consent Items - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

1. Order 78-07012019*

Confirming Chief Moen's appointments of Shawn D. St. Hilaire and Sean G. Dyer as Constables with firearms for the Auburn Police Department and David O'Connell, Fire Inspector without a firearm for the Auburn Fire Department.

Motion was made by Councilor Fournier and seconded by Councilor Walker for passage.

Passage 7-0.

II. Minutes - June 24, 2019 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Fournier to approve the minutes of the June 24, 2019 Regular Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- **Proclamation** – Mayor Levesque read a proclamation declaring the month of July as Parks & Recreation Month

IV. Open Session – Dan Herrick, 470 Hatch Road spoke regarding comments made by public officials, and he read an email regarding the FY20 budget.

V. Unfinished Business - None

VI. New Business

1. Order 79-07012019

Adoption of the Citizen's Participation Plan for 2020-2024.

Motion was made by Councilor Fournier and seconded by Councilor Walker for passage.

Public comment – no one from the public spoke.

Passage 7-0.

1. **Order 80-07012019**

Authorizing the issuance of Bonds for the Norway Savings Bank Arena. Public hearing and first reading.

Motion was made by Councilor Fournier and seconded by Councilor Walker for passage.

Public hearing – no one from the public spoke.

Passage 6-1 (Councilor Gerry opposed). A roll call vote was taken.

2. **Order 81-07012019**

Appointing Katie Boss as a full member of the Planning Board with a term expiration of 1/1/2020 as nominated by the Appointment Committee.

Motion was made by Councilor Gerry and seconded by Councilor Walker to enter into executive session to discuss appointments (orders 81-07012019 through 84-07012019), pursuant to 1 MRSA Sec. 405 (6)(A) – personnel matter.

Passage 7-0, time 7:14 PM.

Council was declared out of executive session at 7:51 PM.

Motion was made by Councilor Titus and seconded by Councilor Lasagna for passage of Order 81-07012019.

Public comment – no one from the public spoke.

Motion was made by Councilor Gerry and seconded by Councilor Young to table to a date certain. Motion failed 2-5 (Councilors Lasagna, Hayes, Titus, Fournier, and Walker opposed).

Passage of Order 81-07012019 4-3 (Councilors Fournier, Gerry, and Walker opposed).

3. **Order 82-07012019**

Appointing Mathieu Duvall as a full member of the Planning Board with a term expiration of 01/01/2020 as nominated by the Appointment Committee.

Motion was made by Councilor Fournier and seconded by Councilor Gerry for passage.

Public comment – no one from the public spoke.

Passage 6-1 (Councilor Walker opposed).

4. **Order 83-07012019**

Appointing John St. Peter to the Auburn Housing Authority as nominated by the Appointment Committee with a term expiration of 10/01/2023.

Motion was made by Councilor Titus and seconded by Councilor Lasagna for passage.

Public comment – Rick Whiting, Auburn Housing Authority stated that while he was not in opposition of the nominee, he is concerned about having two tenant commissioners from the same building. He stated that he finds the appointment process bureaucratic. He noted that appointing this person would result in 4 out of 7 board members being from the same ward. He would like to see this appointment tabled for a month or two.

Arthur Wing, Grandview Avenue and a Commissioner and Chair of the Auburn Housing Authority stated that he also has concerns with having two commissioners from one development.

Motion failed 2-5 (Councilors Lasagna, Hayes, Titus, Walker, and Fournier opposed).

5. **Order 84-07012019**

Re-appointing Leonard Kimble as a full member of the Ethics Panel with a term expiration of 1/1/2021 as nominated by the Appointment Committee.

Motion was made by Councilor Titus and seconded by Councilor Fournier for passage.

Passage 6-0-1 (Councilor Gerry abstained).

6. **Resolve 09-07012019**

Supporting the formation of a Charter Review Ad-hoc Committee.

Motion was made by Councilor Hayes and seconded by Councilor Fournier for passage.

Joe Gray, Sopers Mill Road, questioned the legality of a Charter Review Ad-hoc Committee.

Motion failed 2-5 (Councilor Gerry, Lasagna, Hayes, Titus, and Fournier opposed). A roll call vote was taken.

VII. Reports

Mayor Levesque – he asked if one of the Councilor's would be interested in going to Washington D.C. in his place to attend a meeting at the White House on July 16, 2019 and if so, to please let him know. He provided an update on upcoming Council meetings. The next meeting is scheduled for July 15th, we are bypassing our first council meeting in August, and will meet next on August 19th. In September, due to the Holiday on September 2nd, we will be meeting on September 9th and again on September 16th. He wanted to remind everyone about the Classic Chevy National Convention scheduled for Tuesday July 9th from 6:00 PM to 9:00 PM.

Councilor Gerry – reported that the First Auburn Seniors will not meeting this Wednesday due to the 4th of July holiday. Their next meeting is in two weeks.

Councilor Lasagna – reported that she has been working with Sabrina Best and Chris Mumau on the Walk the Ward activity coming up in September as part of the 150th Anniversary. September is Wellness month in Auburn and this event is an opportunity for Councilors to walk in their ward and talk to constituents.

Councilor Hayes – said that to follow up on the upcoming car show he was reminded that we are a hub or a gateway for a lot of opportunities.

Councilor Titus - no report

Councilor Fournier - no report

Councilor Walker - thanked everyone that helped with the Bell Towner fundraising event. He said there was a great turnout. The Bell Tower Committee will be meeting on July 8th at 4:00 PM at Auburn Hall, and the Age Friendly Committee will be meeting on Tuesday, July 16th at 5:30 PM at the Hasty building.

Councilor Young – no report

Assistant City Manager – reported that on July 9th starting at 10:00 AM there will be a blood drive (The Battle of the Badges) at the Hilton Garden Inn. It is the Fire Department vs. the Police Department. He also reminded everyone that Auburn has a Fireworks ordinance and fireworks are not allowed, with the exception of the fireworks show that is scheduled.

VIII. Open Session – no one from the public spoke.

IX. Executive Session - None

X. Adjournment

Motion was made by Councilor Fournier and seconded by Councilor Walker to adjourn. All were in favor, the meeting adjourned at 8:26 PM.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 15, 2019

Author: Audrey Knight, City Planner

Subject: Implementation of an approved CIP item to increase Walkability in the Downtown.

An Open House is scheduled for July 24th at the Auburn Library, from 3-6pm to discuss and review draft design and reconstruction drawings for the right-of-way's of: Library Street, and the remaining portions of Spring Street, Pleasant Street, & Troy Street. Draft right-of-way reconstruction drawings and staff will be on hand to take comments, concerns, ideas and answer questions, before construction drawings are produced. A second meeting will be held in late August or early September with more final designs including landscaping.

Information: Portions of Spring and Pleasant Streets have been reconstructed and Troy Street is currently undergoing some reconstruction between Library and Hampshire streets. This project would complete the much-needed reconstruction of the streets in this neighborhood to bring them up to Hampshire Street design standards.

City Budgetary Impacts: The design and construction drawings are funded by CDBG. The reconstruction costs for all road segments can be estimated to reach up to one million with funding coming from the CPW, CIP, TIFF & CBDG. At this time bids and construction are not planned until early 2020.

Staff Recommended Action: Information item.

Previous Meetings and History: In May 2018 the City Council approved the 2018 CDBG/HOME Action Plan included \$135,000 for the reconstruction of Library Avenue Reconstruction as part of the Downtown Walkability Project.

In February 2019, in order to avoid timeliness penalties from HUD, the Council approved an amendment to the Action Plan which reprogrammed \$50,000 from the Library Ave project and put it towards the Senior Center. It was noted that construction was not ready on Library Ave and design drawings were still needed. The funds that remained in the Library Ave Project are now being used for the redesign of not only Library Avenue, but the remaining neighborhood street segments as well.

City Manager Comments:

I concur with the recommendation. Signature:

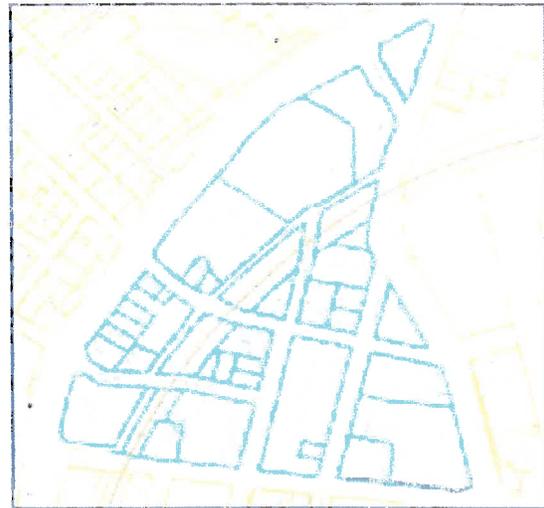
A handwritten signature in blue ink that reads "Peter J. Cudde".

Attachments: Proposed design (not complete yet)



LIBRARY, TROY, SPRING & PLEASANT STREETS

INPUT OPEN HOUSE



ROADS, PARKING & SIDEWALKS

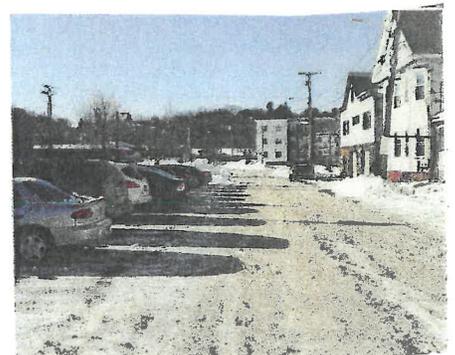
The City is planning to rebuild these streets to Hampshire Street standards. [Learn more - give input - share concerns](#)

PROJECT OBJECTIVES: to balance walking, bicycling, on-street parking, car circulation, property access, ADA accessibility, landscaping, lighting & address safe RR crossing within the city's public right-of-way.

JULY 24, 2019

3:00pm/6:00pm

Auburn Library Meeting Room



Contact: Audrey Knight, Urban Development Specialist for more information: aknight@auburnmaine.gov

THIS IS A PUBLIC WORKS *COMPLETE STREETS PROJECT*



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 15, 2019 **Order:** 80-07012019

Author: Jill M. Eastman, Finance Director and Phil Crowell, Assistant City Manager

Subject: Order – Authorizing General Obligation Bonds and a Tax Levy Therefor (NSBA).

Information: This is the order authorizing the Finance Director to issue General Obligation Bonds not to exceed \$7,000,000, the sale proceeds of which, together with investment earnings, if any, are appropriated to finance the acquisition of Norway Savings Bank Arena (including costs of issuance and capitalized interest).

This year we have seen additional growth to use of the arena. The addition of the two Thunder leagues and expanding the non-ice use is increasing the revenue projections.

In FY19 we hired two former NHL employees to replace vacant positions – they bring tremendous value to the operation of the arena.

City Budgetary Impacts: FY 20 there will be an interest only payment in the Spring and the principle and interest payments for the next 20 years will be approximately \$498,000 per year, which is slightly less than the current lease of \$507,000 per year. The original lease had a 5-year interest accelerator which over the life of the 30-year term could have added 6% in additional interest charges.

Since the arena opened its doors five years ago, the area immediately surrounding NSBA has had a 15.1-million-dollar growth (7.6 million in alterations to existing buildings and 7.5 million in new construction). A long-term corporate sponsor recently expressed how they have seen a significant increase in sales this year and contributes the growth to the events at Norway and as result will be increasing their sponsor amount.

Staff Recommended Action: Staff recommends passage.

Previous Meetings and History: Workshop held on June 24, 2019, public hearing and passage of first reading (6-1) on July 1, 2019.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cusick".

Attachments:

Order 80-07012019

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Sr. Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

ORDER 80-07012019

ORDER – AUTHORIZING GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter:

THAT there be and hereby is authorized issuance of the City’s general obligation bonds, and notes in anticipation thereof, in the principal amount not to exceed \$7,000,000, the sale proceeds of which, together with investment earnings, if any, are appropriated to finance the acquisition of Norway Savings Bank Arena (including costs of issuance and capitalized interest).

Be It Further Ordered by the Auburn City Council:

THAT the bonds and notes authorized hereunder shall be signed by the City’s Finance Director and its Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds and notes may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the City’s Finance Director.

THAT the bonds and notes authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director.

THAT the City’s Finance Director, Treasurer, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all financing documents, contracts, agreements, certificates, preliminary and final official statements, tax certificates and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this order and the issuance of the bonds as may be necessary or desirable.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Sr. Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

A Public Notice describing the general purpose of the borrowing and the terms thereof and the times and places where copies of the bond proposal were available for inspection by the public was published on or before June 17, 2019, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on July 1, 2019.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 15, 2019

Order: 85-07152019

Author: Sue Clements-Dallaire, City Clerk

Subject: Cancellation of the first Regular City Council Meeting in August

Information: The City Council is scheduled to meet on August 5, 2019 and August 19, 2019 (for the month of August). Due to vacations and summer schedules, there has been discussion to cancel the first meeting of August.

City Budgetary Impacts: None

Staff Recommended Action: Consider cancelling the first meeting in August (August 5, 2019).

Previous Meetings and History: Council meets regularly on the first and third Monday of each month.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cudde".

Attachments:

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 85-07152019

ORDERED, that the Auburn City Council hereby cancels the first City Council meeting of August scheduled for August 5, 2019. The next regular City Council meeting will be held on Monday, August 19, 2019.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 15, 2019

Order: 86-07152019

Author: Sue Clements-Dallaire, City Clerk

Subject: Election of Androscoggin County Budget Committee Members

Information: The County Commissioners held a caucus on June 19, 2019 for the purpose of nominating two residents of Auburn's Commissioner district for the County Budget Committee. These are 3-year terms for budget years 2020, 2021, 2022. At least one of the candidates must be a municipal official as defined in 30-A MRSA Sec. 722(2). Nominations were accepted and Municipal Officers must vote as a Board and return the ballot to the County Commissioners.

Nominations were accepted for:

Andy Titus, Councilor

Phil Crowell, Resident

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

Previous Meetings and History: This election is every three years.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cichetto".

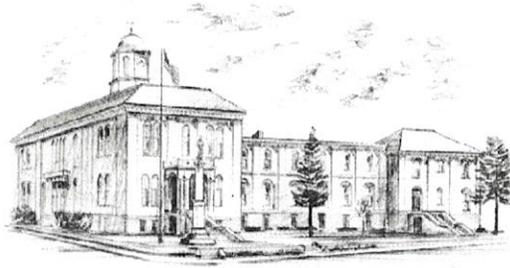
Attachments:

Memo from County Commissioners
Order 86-07152019

ANDROSCOGGIN COUNTY

COMMISSIONERS

Noel Madore, Chair
Sally Christner, Vice-Chair
John Butler Jr, Commissioner
Isaiah Lary, Commissioner
Brian Ames, Commissioner
John Michael, Commissioner
Terri Kelly, Commissioner



COUNTY ADMINISTRATOR
Larry Post

Tel. No. (207) 753-2500
Fax No. (207) 782-5367

May 9, 2019

To: Municipal Officers of Androscoggin County
From: Office of County Commissioners

Greetings:

As required in the Androscoggin County Charter, it is again time to caucus for the purpose of nominating Budget Committee members. All municipal officers are requested to meet at the County Building on Wednesday June 19, 2019 @ 6:00 p.m. for the purpose of nominating two residents of your Commissioner district for the County Budget Committee. At least one of the candidates must be a municipal official as defined in 30-A MRSA Sec 722 (2). Nominations shall be received from the floor, and require a majority vote of those municipal officers present to be approved.

Attached for your information is that portion of the charter regarding Budget Committee caucuses and elections. We look forward to seeing you.

After the public hearing, the Budget Committee shall approve a final proposed budget and transmit the same to the Board for its approval.

5.5.4 Adoption of Budget; Tax Levy: The Board has the authority to modify the proposed budget and the authority to adopt the final budget for the County. The Board shall act on the proposed budget in a timely fashion and, in any event, shall vote to adopt the final budget not later than 15 days prior to the end of the fiscal year. The budget as adopted shall be the final authorization for the assessment of county taxes which shall be apportioned and collected in accordance with 30-A M.R.S.A. § 706. A copy of the final approved budget shall be filed with the State Auditor as provided by law.

5.5.5 Membership: There shall be two Budget Committee members from each district whose terms will begin 120 days prior to the beginning of the fiscal year. A Budget Committee vacancy will occur when a representative no longer qualifies for membership.

5.5.5.1 Nominating Caucus: The Board shall notify all municipal officers in the County to caucus by County Commissioner District at a specified date, time, and place for the purpose of nominating two (2) residents of the district of voting age as candidates for the County Budget Committee. At least one (1) of the persons nominated must be a municipal official as defined in 30-A M.R.S.A. § 722(2). A County Commissioner shall serve as the nonvoting moderator for his or her district caucus. Nominations shall be received from the floor and require a majority vote of those present to be approved. The names of those duly nominated shall be recorded and forwarded to the Board to be placed on a written ballot.

5.5.5.2 The Board shall have written ballots printed with the names of those candidates selected in each County Commissioner District. Each Commissioner District shall require a separate ballot and each ballot shall specify each candidate's full name and municipality. The Board shall distribute the appropriate ballots to each municipality within a Commissioner District. The municipal officers shall vote, as a board, for two (2) Budget Committee members from the candidates on the ballot. The municipal officers must vote for at least one (1) candidate who is a municipal official. After voting, the municipal officers shall return the ballot to the Board by a certain date.

5.5.5.3 The ballots shall be counted at a regular meeting of the Board. Each municipality's vote shall be weighted according to the formula set out in appendix B to this Charter to ensure that each municipality's vote reflects its proportion of the Commissioner District's total population. The candidate with the highest vote total and who is a municipal official and the candidate with the otherwise highest vote total are elected to membership on the County Budget Committee for each district. The Board shall:

- Notify each municipality, in writing, of the election results;
- Certify the results to the Secretary of State.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 86-07152019

ORDERED, that the Auburn City Council hereby casts their votes for the following individuals to serve on the Androscoggin County Budget Committee;

District 5 (Auburn)

1. _____ (write-in)
2. _____ (write-in)

District 6 (Auburn, Poland, Mechanic Falls)

1. Andrew Titus, Councilor
2. Phillip Crowell, Resident



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 15, 2019

Ordinance: 10-07152019

Author: Megan McLaughlin, City Planner II

Subject: Non-Reflectorized Official Business Directional Signage (OBDS) in the City

Information: We received four applications for Official Business Directional Signs (OBDS) in the city from the Hilton Garden Inn. The four applications consisted of requests for one non-reflectorized and three reflectorized signs. The City ordinance only permits non-reflectorized signs: Chapter 42, Article II, Division 2: “...**Signs shall be non-reflectorized**...except that a reflectorized sign of any permissible size may be permitted on an existing sign assembly displaying a reflectorized sign of the same size if such sign assembly was legally erected prior to October 7, 1985.”

As of October 1, 2014, non-reflective OBDS located on National Highway System (NHS) designated highways that are in need of replacement must be replaced by reflective OBDS. In addition, as of January 1, 2020, the MDOT will require all OBDS erected on State Highways or State-Aid Highways to be retroreflective. Applications for non-reflectorized OBDS will no longer be accepted (See 23 M.R.S.A § 1925, as amended by P.L. 2013 Ch. 529; 23 M.R.S.A § 52). Existing signs will be/are “grandfathered.” The term “retroreflective” refers to the ability of signs to return light from a vehicles head lights back toward the vehicle, thereby making the signs “illuminate” at night so that the vehicle operator can easily see/read them.

City Budgetary Impacts: None.

Staff Recommended Action: With the language in the ordinance currently, reflective OBDS are not permitted in the City unless they are installed on a sign assembly that was legally erected prior to October 7, 1985. Planning Staff recommends the City Council consider the following questions:

- *Should Chapter 42 of the City Ordinance be amended to allow retroreflective OBDS in accordance with the MDOT changes?*
 - The ordinance includes a list of locations OBDS are permitted. If a location is not on the list, a sign is not permitted there. This list has been mapped and Staff believes it is not all inclusive. For example, there are sign assemblies that are not on the list. The list also includes permitted locations where a sign assembly may no longer exist, or the street names have changed. *Should the City consider trying to make this list all-inclusive or remove the list from the ordinance and allow OBDS at intersections on all State, State Aid and Federal Highways?*
 - There is one additional cleanup item in the ordinance that Staff recommends be addressed should the Council decide to amend other sections of the OBDS ordinance. For example, the ordinance references Chapter 200 when it should be Chapter 205 of the State Department of Transportation Administrative Guidelines.
-

Previous Meetings and History: 7/1/2019 workshop

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: I: Ordinance Reference; II: Maine DOT Chapter 205

ATTACHMENT I

ARTICLE II. - SIGN REGULATIONS

DIVISION 1. - GENERALLY

Secs. 42-19—42-39. - Reserved.

DIVISION 2. - DIRECTIONAL SIGNS

Sec. 42-40. - Purpose and policy.

The purpose of this division is to provide tourists and travelers with information and guidance concerning public accommodations, facilities, commercial services, and other businesses and points of scenic, cultural, historic, educational, recreational, agricultural, and religious interest. To provide this information and guidance, it is the policy of the city:

- (1) To establish and maintain a system of official business directional signs;
- (2) To prohibit and control the proliferation of roadside signs; and
- (3) To provide a uniform procedure and criteria to govern their location and approval consistent with state laws governing official business directional signs.

(Code 1967, § 27-5.1)

Sec. 42-41. - Definitions.

Unless another meaning is given expressly or by clear implication, all terms used in this division shall have the meanings set forth in 23 M.R.S.A. § 1903.

(Code 1967, § 27-5.2)

Sec. 42-42. - Applicability.

The provisions of this division shall apply only to official business directional signs.

(Code 1967, § 27-5.7)

Sec. 42-43. - Eligibility.

Lawful businesses and points of interest and cultural, historic, recreational, educational, and religious facilities are eligible to contract with the state for the placement of up to six official business directional signs within the city, but only at the intersections or locations listed in section 42-44.

(Code 1967, § 27-5.3)

State Law reference— Similar provision, 23 M.R.S.A. § 1909.

Sec. 42-44. - Location.

Official business directional signs shall be located in accordance with the provisions contained in 23 M.R.S.A. §§ 1911 and 1912 and chapter 200 of the state department of transportation administrative guidelines on approaches to or at the following intersections designated by the city council:

- (1) Turnpike Connector/Lewiston Junction Road.
- (2) Turnpike Connector/Washington Street.
- (3) Turkey Lane/Washington Street.
- (4) Route 122/Hotel Road.
- (5) Beech Hill Road/Washington Street.
- (6) Old Danville Road/Danville Corner Road.
- (7) Merrow Road/Hotel Road.
- (8) Turnpike Connector/Hotel Road.
- (9) Rodman Road/Washington Street.
- (10) Rodman Road/Poland Road.

- (11) Rodman Road/Manley Road.
- (12) Rodman Road/Hotel Road.
- (13) Hotel Road/Minot Avenue.
- (14) Upper Court Street/Minot Avenue.
- (15) Fairview Avenue/Minot Avenue.
- (16) Rotary.
- (17) High Street/Minot Avenue.
- (18) Broad Street/Mill Street.
- (19) Riverside Drive/Mill Street.
- (20) Court Street/Union Street Bypass.
- (21) Court Street/Goff Street.
- (22) Court Street/Western Avenue
- (23) Court Street/Turner Street.
- (24) Turner Street/Union Street Bypass.
- (25) Center Street/North River Road.
- (26) Park Avenue/Mt. Auburn Avenue.
- (27) Gracelawn Road/Mt. Auburn Avenue.
- (28) Center Street/Mt. Auburn Avenue.
- (29) Youngs Corner Road/Hotel Road.
- (30) Youngs Corner Road/Perkins Ridge Road.
- (31) Lake Shore Drive/Route 4.
- (32) West Hardscrabble Road/Lewiston Junction Road.
- (33) Minot Avenue/Hatch Road (northerly direction only).
- (34) High Street/Academy Street.
- (35) Main Street/Academy Street.

- (36) South Main Street/Mill Street.
- (37) Lake Shore Drive/North Auburn Road.
- (38) Center Street/Fair Street, Martin Street.
- (39) Washington Street southbound Miami Avenue.
- (40) Washington Street northbound Miami Avenue.
- (41) Washington Street southbound Phil-O-Mar Street.
- (42) Washington Street northbound Phil-O-Mar Street.
- (43) Washington Street northbound Chasse Street.
- (44) Washington Street southbound Chasse Street.
- (45) Washington Street northbound Hackett Road.
- (46) Park Avenue/Gamage Avenue.
- (47) Perkins Ridge Road/Hatch Road (Welcomb's Corner).
- (48) Center Street/Stetson Road.
- (49) Fair Street/Oak Hill Road.
- (50) Hotel Road/Manley Road.
- (51) Summer Street/Youngs Corner Road.
- (52) Riverside Drive/Penley Corner Road.
- (53) Rodman Road/Twin Road.
- (54) Washington Street northbound Adams Street.
- (55) First Ave/Rotary Reverse Direction Connectors.
- (56) Hackett Road/Broad Street.
- (57) Center Street/Stanley Street.
- (58) Center Street/Cross Street.
- (59) Riverside Drive/Dunn Street.
- (60) Turner Street/Gracelawn Road.

- (61) Drummond Street/Main Street.
- (62) Court Street/Pleasant Street (both directions).
- (63) Minot Avenue/Elm Street.
- (64) Pleasant Street/Elm Street.
- (65) Millett Drive/Court Street.
- (66) Minot Avenue/Millett Drive.

(Code 1967, § 27-5.4; Ord. of 3-2-1998; Ord. of 12-6-1999(2); Ord. of 11-19-2001(2); Ord. of 5-2-2005(02); Ord. No. 05-07162012, 8-6-2012)

State Law reference— Permitted locations, 3 M.R.S.A. § 1912.

Sec. 42-45. - Design, installation and maintenance.

Official business directional signs shall be designed, installed and maintained in accordance with the provisions of 23 M.R.S.A. §§ 1901 through 1925 and chapter 200 of the state department of transportation administrative guidelines. Signs shall be nonreflectorized and no larger than 12 by 48 inches, except that a reflectorized sign of any permissible size may be permitted on an existing sign assembly displaying a reflectorized sign of the same size if such sign assembly was legally erected prior to October 7, 1985.

(Code 1967, § 27-5.5)

Sec. 42-46. - Application.

Application for an official business directional sign shall be made on forms furnished by the state department of transportation. Completed applications shall be submitted to the department of planning and permitting services for review. Upon receipt of the completed application, the department shall review the request to ensure that it conforms to the provisions of this article and shall approve, conditionally approve or reject the request based on its findings. If disapproved by the department, the reasons for disapproval shall be communicated to the applicant in writing. Any person aggrieved by the decision of the department may appeal to the county superior court within 30 days of receipt of the department's decision. If approved, the applicant may then forward the approved application and the license fee prescribed by the state law to the state commissioner of transportation for approval or disapproval.

(Code 1967, § 27-5.6)

State Law reference— Applications for state licensing, 23 M.R.S.A. § 1918.

Sec. 42-47. - Penalty.

Any person who violates any of the provisions of this article shall be guilty of a civil infraction, and shall be subject to a fine of \$100.00 to be paid to the city for each such offense. Each day that such violation is permitted to continue after notification by the department of planning and permitting services shall constitute a separate offense.

(Code 1967, § 27-5.8)

Secs. 42-48—42-67. - Reserved.

ATTACHMENT II

17 DEPARTMENT OF TRANSPORTATION

229 OFFICE OF THE COMMISSIONER

Chapter 205: RULES FOR ADMINISTERING THE *MAINE TRAVELER INFORMATION SERVICES ACT*

SUMMARY: This Rule establishes the requirements for the installation and maintenance of official business directional signs, categorical signs and on-premise signs on public ways throughout the State. This Rule sets forth comprehensive standards for eligibility, location, number, design, size, maintenance and permit procedures for the installation and maintenance of such signs.

SECTION 1. DEFINITIONS

1. **Clear zone.** The total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or a clear run-out area. The desired minimum width is dependent upon corridor priorities, traffic volumes and speeds and on the roadside geometry. Simply stated, it is an unobstructed, relatively flat area beyond the edge of the traveled way that allows a driver to stop safely or regain control of a vehicle that leaves the traveled way. Clear zone distances are defined by the latest MaineDOT Engineering Instructions.
2. **Commissioner.** The Commissioner of the Maine Department of Transportation, as appointed pursuant to 23 M.R.S.A. §4205.
3. **Deadly fixed object.** Any natural or man-made structure that does not give or break away when hit by a motor vehicle. Examples of deadly fixed objects are trees, ledge, boulders, decorative granite, steel beams, mailbox and sign posts that do not give or break away and planters over 4 inches tall.
4. **Department.** The Maine Department of Transportation.
5. **Island and Median.** A traffic control feature used to physically divide or guide traffic in the roadway or within a driveway/entrance to limit access onto the roadway. An island or median can be raised using curbing or flush to the level of the roadway.
6. **Non-profit historical and cultural institution.** A nonprofit institution within the state having regular published hours of operation, which engages in the cultural, intellectual, scientific, environmental, educational or artistic enrichment of the people of this state. Including, but not limited to, aquaria, botanical societies, historical societies, land conservation organizations, libraries, museums, performing arts associations or societies, scientific societies, wildlife conservation organizations and zoological societies. For purposes of this rule, institution is defined as a building structure used to house an organization engaged in the activities listed above, cultural is defined as the beliefs, customs, arts of a particular society, group, place, or time, historical is defined as the political, social, cultural, and economic setting for a particular idea or event. A municipal body politic, or an educational institution or organization primarily engaged in religious or sectarian activities do not meet the purposes or intent of this definition.

7. **Non-profit organization.** A charitable organization that foster cultural and social unity to achieve objectives related to public service that has a certificate of good standing as a 501(c)(3) organization from the Internal Revenue Service.
8. **National Highway System.** National Highway System: - A portion of the roadway system in Maine deemed to carry inter-state and inter-regional traffic. These roads will be the latest roads shown as NHS in the MaineDOT Mapviewer. Mapviewer can be found at <http://medotmaps.maine.gov/MapView/>
9. **OBDS.** Official Business Directional Sign
10. **Intracommunity/Wayfinding Signs.** A system of directional signs that provide general information to inform both motorists and pedestrians of destinations within the local area.
11. **Point of Interest.** A building or facility where a business is carried on or practiced. A point of interest may include storage areas, warehouses and other auxiliary structures or fixtures.
12. **Public Right of Way.** The land shown in a state, county or town roadway layout plan or in the absence of any layout or monumentation, the land established by roadway use which is considered either the toe of slope in fill sections or the upper back-slope of the ditch in ditch sections. For most roadways this will be a minimum of 33 feet from the centerline.
13. **Sight distance.** A continuous, unobstructed sight line of sufficient distance needed for a vehicle operator to see an approaching vehicle in order to make a turning maneuver safely. Sight distance measurements are as defined in the Department's Chapter 299 Highway Driveway and Entrance Rules.
14. **Sign assembly.** A sign assembly is one or more signs on a sign support.
15. **General service symbol.** A symbol is a design used to identify traveler services approved for use by the Manual on Uniform Traffic Control Devices or by the Department as set forth in Appendix, Figure 1.
16. **Travel lanes.** The portion of the roadway used for carrying through traffic. For the purpose of these rules, a center two-way left turn lane is considered a travel lane.

SECTION 2. OFFICIAL BUSINESS DIRECTIONAL SIGNS

Effective January 1, 2020, all Official Business Directional Signs erected on state highways or on state aid highways are required to be retroreflective. After January 1, 2020, applications for non-reflective Official Business Directional Signs will no longer be accepted.

1. **Sign Eligibility.** To qualify for an official business directional sign, the applicant must be one of the following:
 - A. A lawful business;
 - B. A point of interest; or
 - C. A cultural, historic, recreational, educational or religious facility

2. Location Requirements and Maximum Number of Signs Allowed

A. General Requirements

- (1) Signs shall be located within the public right-of-way on approaches to intersections where travelers must change direction from one travel way to another, or at a defined decision point where the motorist must make a decision to leave a roadway to enter a separately named roadway, to reach a business, service, or point of interest, or where appropriate at requested intersections.
- (2) A business, point of interest, or facility shall not be permitted more than one sign at any one intersection approach. Each place of business, point of interest or facility shall be eligible for a maximum number of six official business directional signs.
- (3) Destinations having a supplemental guide sign on the interstate and not located on the roadway where the ramps intersect are required to have OBDS continuity signs. These signs do not count toward the overall maximum number of signs described in sub-¶ (2) above.
- (4) The place of business, point of interest or facility must be within a ten mile radius of the proposed location of the sign.
- (5) Signs shall be located so as to avoid visual conflict with other signs, to have the least impact on the scenic environment and to take advantage of the natural terrain. Signs shall not be permitted at locations where the directional information contained thereon may be misinterpreted, misleading, or otherwise confusing to the traveling public.

B. Interstate and Controlled Access Highways

Signs shall not be permitted within the right-of-way of the interstate highway system and fully controlled access highways.

C. Lateral Clearances and Vertical Clearances

Lateral and vertical clearances shall conform to standards outlined by the Department pursuant to federal highway standards.

D. Intersection Sign Placement

- (1) Signs must be within 2,500 feet of the intersection where a change in direction is required unless a waiver is issued in accordance with this rule.
- (2) Signs shall be located so as not to interfere with, obstruct, or divert a driver's attention from a traffic control sign or device. Traffic control signs or devices placed at intersection approaches subsequent to the placement of official business directional signs shall have precedence as to location and may require the relocation of official business directional signs. Unless traffic safety is not adversely affected, official business directional signs in general shall be at least 200 feet from traffic control signs or devices.

- (3) In order to provide continuous guidance to the motorist, if a change in direction is necessary, or if there is a road designation change at any intersection within the direct route to the business that is located between an OBDS sign and the business location, the applicant shall be required to provide additional OBDS at those intersections, not to exceed the maximum allowable number of signs described within section (b).
- (4) Successive sign assemblies shall be spaced sufficiently apart for drivers to comprehend the messages contained thereon.

E. Official Business Directional Sign Assemblies

There shall be a maximum of three signs per assembly and each sign shall be mounted three inches from the next sign below or above it. Reflectorized and non-reflectorized signs may be mounted on the same sign assembly.

3. Materials

Sign panel material shall be high density overlaid plywood a minimum of one-half inch thick or other material sufficiently stable not to deform under normal conditions of weather and use. All materials furnished under this Section shall be durable and weather resistant. MaineDOT is not responsible for sign material that is not sufficiently stable or for signs that deform or break under normal conditions of weather and use.

4. Reflectorized Signs

A. General

- (1) Reflectorized signs shall be standard in design, color, and reflectorization.
- (2) Sign legends shall be specific in identifying the name of the appropriate business or other service. Messages, symbols, and logos which interfere with, imitate, or resemble any official traffic control device or serve to advertise rather than identify a business are prohibited.

B. Size

- (1) Sign sizes, layout, and letter sizes shall conform to the dimensions and details shown in Appendix, Figure 2. To protect highway safety and visual quality, the Department may require smaller signs than 12 by 48 inches for certain intersections and areas.
- (2) All signs within in a sign assembly shall be the same size. Sign sizes at a particular location must be consistent with the visual and aesthetic character of that location and with sign sizes which have been previously approved.
- (3) Signs erected prior to the enactment of these rules are not required to meet the new size standards outlined under this sub-section. Replacement of those signs must comply with the new size standards.

C. Color

- (1) The background color of all signs shall be blue and shall be in accordance with MUTCD Color Specifications (23 CFR §655) Blue-294.

- (2) All legend and border shall be white. The edges and back of the signboards shall be sealed and painted a dark shade of brown.
- (3) Signs erected prior to the enactment of these rules are not required to meet the new color standards outlined under this sub-section. Replacement of those signs must comply with the new color standards.

D. Lettering and Layout

- (1) All lettering used in the name of the business or service, including the directional legend, shall be Helvetica Bold or Highway Series, Gothic, E Modified font, medium lower-case lettering with initial upper-case. Letter sizes and number of characters per line within the legend shall be as shown In Appendix, Figure 2.
- (2) Directional legend shall be located on the left edge or the right edge of the sign depending upon whether a left turn or a right turn is required. The distance in miles from the intersection to the business, service facility, or point of interest shall be shown above the directional arrow. The directional legend may be incorporated as part of the sign's logo.
- (3) The logo or symbol, if used, shall be located on the opposite end of the sign from the directional arrow. Text may be used in lieu of a symbol or a logo within this section of the sign
- (4) Layout of the signboard and legend including the logo or symbol shall conform to good graphic layout practices.

E. Symbols and Logos

A symbol or logo may be used at the owner's option which may be of any color or colors. If a symbol is used, it shall be identical to the appropriate design as set forth in Appendix, Figure 1. In addition, a specific business logo or text may be used in *lieu* of a symbol or logo within the logo section of the sign.

F. Reflectorization

- (1) The background, sign legend, and border of all signs shall be reflectorized with high intensity prismatic reflective sheeting to show the same shape and color for both day and night. Reflective sheeting shall consist of a smooth, flat exterior film with spherical glass lens elements embedded beneath the surface and a pre-coated adhesive backing protected by a removable liner. Reflective sheeting must be a "Federal ASTM-D-4956-99" or "ASTM-D-4956-07" rating.
- (2) Illumination by special interior or exterior supplemental lighting is not permitted.

G. Installation and Maintenance

- (1) Official business directional signs shall be furnished by the owner or the applicant. The signs shall be installed by the Department at approved

locations on sign posts furnished by the Department. The Department shall be responsible for maintenance of the sign supports.

- (2) Signboards which become lost, stolen, defaced, or otherwise damaged or deteriorated shall be replaced by the owner and reinstalled by the Department.
- (3) The owners of official business directional signs which represent businesses, service facilities, or points of interest no longer offering such traveler assistance, or signs which are no longer applicable because of business name changes, business relocations, or for any other reason, shall notify the Department to have such signs removed.
- (4) Failure to properly maintain the sign panel by the owner or to notify the Department that signs are no longer applicable may result in removal of such signs by the Department.
- (5) Businesses or organizations that fail to maintain an active OBDS account due to non-payment shall have no expectation that the former sign location on an OBDS post will be available after any potential reactivation of the cancelled account.

5. Non-reflectorized Signs

A. General

- (1) Sign legends shall be specific in identifying the name of the appropriate business or other service. Messages, symbols, and logos which interfere with, imitate, or resemble any official traffic control device or serve to advertise rather than identify a business are prohibited.
- (2) Signs erected under this subsection are not permitted on the National Highway System.
- (3) Non-reflective signs erected on "National Highway System" designated highways prior to October 1, 2014 will be allowed to amortize and remain in service until the life of the sign has ended. As of October 1, 2014, non-reflective signs located on "NHS" designated highways that are in need of replacement must be replaced by REFLECTIVE directional signs.
- (4) Beginning January 1, 2020, MaineDOT will no longer accept applications or issue permits for non-reflective signs. The Official Business Directional Sign program will issue permits for reflective signs only.

B. Size

- (1) Each sign shall be 12 inches vertical and 48 inches horizontal.
- (2) The Department may authorize smaller sized signs which are consistent with an area's visual character.

C. Color

- (1) Any color or colors may be used provided, however, the lettering of the legend shall be one color and the background shall be a uniform second color.

- (2) The edges and back of the signboards shall be sealed and painted a dark color such as brown.

D. Lettering and Layout

- (1) Lettering and layout, including logo or symbol, shall conform to good graphic layout practices and contain no more than two lines of print.
- (2) Directional legend shall be located on the left edge or the right edge of the sign depending upon whether a left turn or a right turn is required. The distance in miles from the intersection to the business, service facility, or point of interest shall be shown above the directional arrow.
- (3) Borders shall be one-half inch in width.

E. Symbols and Logos

- (1) The logo or symbol, if used, may be of any color or colors. If a symbol is used, it shall be identical to the appropriate design as set forth in Appendix, Figure 1.
- (2) In addition, a specific business logo or text may be used in *lieu* of a symbol or a logo within the logo section of the sign
- (3) The logo or symbol, if used, may be located on all or part of the signboard and may be of any color or colors.
- (4) If a symbol is used, it shall be identical to the appropriate design as set forth in Appendix, Figure 1.
- (5) Text may be used in *lieu* of a symbol or a logo within this section of the sign.

F. Installation and Maintenance

- (1) The Department shall be responsible for the erection and maintenance of the sign and sign post.
- (2) Signboards which become lost, stolen, defaced, or otherwise damaged or deteriorated shall be replaced by the owner and reinstalled by the Department.
- (3) The owners of official business directional signs that represent businesses, service facilities, or points of interest no longer offering such traveler assistance, or signs that are no longer applicable because of business name changes, business relocations, or for any other reason, shall notify the Department to have such signs removed.
- (4) Failure to properly maintain the sign panel by the owner or to notify the Department that signs are no longer applicable may result in removal of such signs by the Department.
- (5) If an entity that has applied for official business directional signs has either an on-premises or an off-premises sign that is in violation of 23 M.R.S.A., *Maine Travelers Information Services Act*, the Commissioner has the right to delay the installation of directional signs until the violation(s) has been brought into compliance by that entity.

- (6) Businesses or organizations that fail to maintain an active OBDS account due to non-payment shall have no expectation that the former sign location on an OBDS post will be available after any potential reactivation of the cancelled account.

6. Waiver Provisions

- A. Whenever the Commissioner determines that at a particular approach to an intersection the standards for sign assemblies as set forth above will adversely affect highway safety or the visual quality of the immediate neighborhood, the Commissioner may impose more stringent standards including prohibition.
- B. Whenever the Commissioner determines that a change in the distances, number of signs per assembly, and number of assemblies at an approach to an intersection will not interfere with highway safety nor adversely impact the visual quality of the immediate neighborhood, the Commissioner may waive the requirements contained in Distances and OBDS Sign Assemblies.
- C. The Commissioner may waive the specific requirements for location and number if an applicant can show unusual hardship due to conditions of topography, access or other physical characteristics.
- D. In place of official business directional signs, the Commissioner may order the installation of an Official Information Center to be located within a reasonable distance of the intersection. Once a center is established, no official business directional sign shall be permitted at such intersection.
- E. The Commissioner shall designate to the State Traffic Engineer of the Department the authority to exercise the responsibilities of this section.

7. Seasonal Basis

The owner of a business, service, or point of interest that is temporarily or seasonally closed may cover the sign during the off-season. The cover must be held firmly in place so as not to injure or deface the signboard.

8. Applications review and approval; certification requirements, fees for initial and renewal, non-transferability of license, and variance provisions.

A. Applications

- (1) Application for an official business directional sign shall be made on forms furnished by the Department. Applications will be processed and permits issued in the order of receipt of applications by DOT.
- (2) Any application for an official business directional sign is subject to review by the Department. The Department shall have final responsibility and authority to determine the specific size and location of any sign. Signs not deemed to meet the intent and purpose of the law or the criteria established in these regulations shall not be approved or erected.

- (3) Businesses or organizations that have an OBDS application on a waiting list and have been notified by MaineDOT that they have become eligible for a sign at the requested intersection must submit all necessary applications and required fees within 30 days of the notification. Failure to submit all necessary applications and required fees within 30 days will result in the elimination of membership on the waiting list.

B. Conformity with Laws

- (1) The applicant for an official business directional sign shall provide certification from an appropriate municipal official that the proposed sign is in conformity with all applicable municipal sign ordinances, unless the OBDS sign is needed for continuity signage for supplemental interstate guide signs or interstate logo signs
- (2) A municipality may not deny signage to a business located in another municipality if there is sufficient space to place the sign at any given intersection. The municipality may impose color and size restrictions on any OBDS within their municipality.

C. Application Fees

A \$30 non-refundable application fee will be required for each requested sign. Applications fees will be used as payment for the first year of program membership for approved applications. Application fees that are submitted with applications that are not ultimately approved will not be refunded and will be used by the Department as a processing fee. MaineDOT shall notify the business if applications are denied for any reason.

D. Renewal Fees

- (1) Permits for each type of sign are to be renewed annually at a fee determined by the Commissioner.
- (2) Failure to pay renewal fees within ninety days from the initial billing will result in removal of signs by the State. Renewal fees are not refundable for installations of less than a full year.
- (3) A \$30 reactivation fee will be charged to businesses/organizations that apply to reactivate a cancelled account.

E. Non-transferability

Permits for the installation of directional signs are not transferable. Except: Business name change, with same ownership; new ownership, but same business name; or change of legend with same ownership.

9. Reconsideration

Any interested person may request reconsideration by the Department within 14 days after notice of the Department's findings regarding a sign request. This request must set forth in detail the specific findings and conclusions of the Department to which the person objects, the basis for those objections and the nature of the relief requested. Upon receipt of the request, the department may schedule and hold a hearing limited to the

matters set forth on the request. The Department shall issue and write an opinion responding to the request whether or not a hearing is held. The response shall set out the Department's reasons for either maintaining or modifying its findings.

The running of the time for appeal pursuant to the *Administrative Procedure Act* is terminated by a timely request for reconsideration filed under this section. The full time for appeal commences and is computed from the date of the final Department action addressing the request for reconsideration. The filing of a request for reconsideration, however, is not an administrative or judicial prerequisite for the filing of an appeal.

10. Appeals

A final permit decision, whether subject to reconsideration or not, may be appealed as a final agency action.

SECTION 3. CATEGORICAL SIGNS LOCATED WITHIN THE PUBLIC RIGHT OF WAY

1. **General Requirements.** The following signs may be erected and maintained outside of the public right of way with property owner's consent and demonstrated authority/eligibility to seek signage, without license or permit so long as they conform to the specifications set forth in Table 1:

Table 1 – Categorical Signs Located Within the Public Right of Way

Categorical Signs	Allowed sizes and locations
Signs erected by a duly constituted governmental body, a soil and water conservation district or regional planning district. Banners can be of any dimension, must be installed at a minimum height of 16 feet, have municipal approval, cannot be placed prior to 4 weeks to an event and must be taken down within 3 business days after an event, banners attached to utility poles shall have utility approval and banners may not have any commercial logo or advertising.	24 inches by 30 inches, municipal "Gateway" signs may not exceed a maximum of 50 square feet not including decorative frame
Signs located on or in the rolling stock of common carriers, except those which are determined by the Commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle	The size of the sign may not exceed the height, length or width of the vehicle.
Signs on registered and inspected motor vehicles, except those which are determined by the Commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle	The size of the sign may not exceed the height, length or width of the vehicle.
Signs identifying stops or fare zone limits of motor buses	260 square inches
Signs showing the place and time of service or meetings of religious and civic organizations, in the municipality or township.	Each religious or civic organization may erect no more than 4 signs. No sign may exceed in size 24 inches by 30 inches
Memorial signs or tablets (including religious symbols)	Shall not exceed 4 feet in height or 3 feet in width

Hand-held or similar signs not affixed to the ground or buildings	Allowed within the public right of way on island and/or /medians greater than 6 feet in width.
Signs bearing political messages relating to an election, primary or referendum, provided that these signs may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter. See Section 5 below for additional guidance.	Allowed within the public right of way on island and/or s/medians within the right of way greater than 6 feet in width. Maximum of 32 square feet.
Adopt-A-Highway Program signs allowed under section 1117	Maximum of 4 square feet
Signs erected by a producer that direct travelers to the location where farm and food products, as defined in Title 7, section 415, subsection 1, paragraph B, are grown, produced and sold. A producer that sells farm and food products from a location with frontage on a numbered state highway may not erect a sign pursuant to this paragraph adjacent to that highway. A sign must be directional in nature. A producer may not erect more than 4 signs pursuant to this paragraph, and the total number of signs erected by that producer pursuant to this paragraph and section 1911, subsection 2 may not exceed 6 (includes signs at the farm stand itself).	8 square feet and must be located within 5 miles of where the farm and food product is sold, unless the sign is located on a National Highway System roadway then the sign must meet the standards of Section 2, sub-§4, see above.
Signs erected for a farmers' market, as defined in Title 7, section 415, subsection 1, paragraph A, as long as the signs are directional in nature. A farmers' market may not erect more than 4 signs pursuant to this paragraph, and the total number of signs erected by that farmers' market pursuant to this paragraph and section 1911, subsection 2 may not exceed 6. A farmers' market may erect a banner over a public way if the farmers' market obtains municipal approval and complies with rules adopted pursuant to this chapter.	Farmer's market signs shall not exceed 4 square feet unless the sign is located on a National Highway System roadway then the sign must meet the standards of Section 2, sub-§4 above. Overhead Banners can be of any dimension, must be installed at a minimum height of 16 feet above the roadway, have municipal approval and cannot be placed or erected earlier than 4 weeks prior to an event and must be taken down within 3 business days after an event. Banners attached to utility poles shall have utility approval. Banners may not display any commercial logos or advertising.

2. Location

- A. These signs can be located within the Public Right of Way. An entity (except for political signs and rolling stock of common carriers) shown in table 1 shall not be permitted more than one sign at any one intersection approach and no more than 4 per municipality. Categorical signs shall be located so as to avoid visual conflict with other signs, to not obstruct sight distance for motorists, to not obstruct pedestrian facilities to have the least impact on the scenic environment and to take advantage of the natural terrain. Categorical signs are not allowed on any islands 6 feet or less or in the internal center islands in a rotary or modern roundabout.

B. Interstate and Controlled Access Highways

Categorical signs are not allowed within the limits of a Controlled Access Highway.

C. Lateral Clearance

Except as noted in Table 1, the near edge of Categorical signs shall be located at least ten feet outside the highway shoulder except that in areas where insufficient right-of-way exists to maintain this clearance, or where physical obstructions make such a distance impossible, the near edge shall be located the maximum practical lateral distance from the edge of the traveled way. In urban areas signs shall be a minimum of at least one foot from the curb face.

D. Sign Placement

Categorical signs, not including political signs (pursuant subsection on political signs), shall be located so as not to interfere with, obstruct, or divert a driver's attention from a traffic control sign or device. Traffic control signs or devices and official business directional signs shall have precedence as to location and may require the relocation of categorical signs. Unless traffic safety is not adversely affected, categorical signs in general shall be at least 200 feet from traffic control signs or devices and official business directional signs.

E. Categorical Sign Assemblies

The Department reserves the right to require entities allowed signage to share sign posts if there is insufficient room to install sign assemblies.

F. Vertical Distances

Sign assemblies shall be erected so as to provide a minimum of five feet vertical clearance between the lower edge of the bottom sign and the surface of the highway. Signboards located near pedestrian facilities such as sidewalks and parking areas shall have a vertical clearance of seven feet.

3. Materials

- A. Sign panel material shall be high density overlaid plywood a minimum of one-half inch thick, standard aluminum blanks or other material sufficiently stable not to deform under normal conditions of weather and use. All materials furnished under this Section shall be durable and weather resistant.
- B. All signs and supports shall not constitute a deadly fixed object.

4. Installation and Maintenance

- A. Categorical signs are considered private signs and are not installed or maintained by the Department. Entities installing signs pursuant to this subsection are

required to notify Dig Safe. Any sign not properly maintained for plumbness or quality shall be removed by the Department. The Department shall have the sole decision making authority as to when a sign does not meet the above criteria.

- B. All categorical signs installed in the Public Right of Way shall be installed in compliance with 23 MRSA Section 3360-A, Protection of Underground Facilities (a.k.a. “The Dig Safe® Law”) which requires notification to various entities at least three working days prior to making any excavation. Additional information may be found at: <http://mutcd.fhwa.dot.gov> , <http://www.osha.gov/SLTC/trenchingexcavation/>, and <http://www.digsafe.com> respectively.

5. **MaineDOT Policy on Special Intra-community Signs**

Special service signs for local information within individual communities may be erected on State or State Aid highways provided the following conditions are met:

A. **Requests for signs**

Requests for signs must be made by the municipal officers of the town or city where signs are to be erected.

B. **Eligible Facilities**

Signs shall be limited to directing traffic to locations of special interest which include the following:

- (1) Hospitals which provide emergency service 24 hours each day
- (2) Public transportation facilities including airports, railroad stations, bus terminals and ferry terminals.
- (3) Public recreation facilities such as beaches, parks, sport arenas, scenic areas and historical sites.
- (4) Municipal sub-divisions such as central business districts and villages within municipal boundaries. (i.e. industrial parks, business parks, etc.)
- (5) Governmental buildings or agencies such as City Halls, county buildings, schools, armories and fire/police stations.
- (6) Colleges and Universities

- C. Intra-community wayfinding signs for commercial establishments shall not be permitted.

D. **Design of Signs**

Signs shall be rectangular in shape with a white legend on a blue background. The maximum length shall be 48 inches and maximum letter size shall be 4 inches. No more than three lines of copy shall be permitted on one design.

Intra-community signs that are intended to direct tourists and other road users to key civic, cultural, visitor and recreational attractions and other destinations shall be made with retro-reflective material. Intra-community signs intended to direct pedestrians shall be made with non-reflective materials.

E. Installation of Signs

Signs shall be provided and installed by the local municipal officials. All sign installations within the MaineDOT designated clear zone shall be on posts considered to be breakaway and shall meet all safety standards required by MaineDOT. The vertical and lateral clearances of such signs shall conform with section 2A-19, 2A-20 and 2A-21 of the “Manual on Uniform Traffic Control Devices”. The signs shall not be erected in conjunction with, nor be in conflict with official highway signs.

F. Restrictions

Special intra-community service signing shall not be permitted on Interstate highways or expressway systems.

SECTION 4. CATEGORICAL SIGNS LOCATED OUTSIDE OF THE PUBLIC RIGHT OF WAY

1. **General Requirements.** The following signs may be erected and maintained outside of the public right of way with property owners consent and demonstrated authority/eligibility to seek signage, without license or permit so long as they conform to the specifications set forth in Table 2:

Table 2 – Categorical Signs Located Outside of the Public Right of Way

Categorical Signs Outside the Right of Way	Allowed sizes
Signs erected by a public, civic, philanthropic, charitable or religious organization announcing an auction public supper, lawn sale, campaign or drive or other like event or soliciting contributions.	50 square feet maximum
Signs erected by fairs and expositions within the county where the activity is located.	50 square feet maximum
Signs bearing religious messages and signs showing the time and place of services or meetings of religious and civic organizations.	50 square feet maximum
Signs erected by nonprofit historical and cultural institutions. Each institution which has certified its nonprofit status with the Commissioner, may erect not more than 2 signs with a surface area not to exceed 50 square feet per sign.	50 square feet maximum
Signs bearing political messages – See Section 5 below for additional guidance.	No limits

2. **Location of Signs – Outside of the Right of Way**

- A. **General Requirements**

These signs must be located outside of the Public Right of Way with property owners consent.

B. Interstate and Controlled Access Highways

All sign entities shown in Table 2 shall not be installed so that the signs are readable anywhere along the limits of a Controlled Access Highway.

3. Prohibited practices

None of the signs referred to in this section may be erected or maintained on any traffic control signs or devices, public utility poles or fixtures or upon any trees. None of these signs may be painted or drawn upon rocks or other natural features.

SECTION 5. POLITICAL POSTERS AND SIGNS

The following rules and regulations govern the location of political posters and signs located within or outside of the Public Right of Way .

1. **Location of Posters and Signs** – political posters and signs shall not be affixed in any manner to the following:
 - A. Any tree or rock;
 - B. Any official traffic control sign post;
 - C. Any roadside guard rail or cable;
 - D. Any guide post;
 - E. Any utility pole within the right-of-way limit of the highway.
 - F. Any island/median 6 feet or less in width.
 - G. The center island inside of any rotary or roundabout.
2. **Location of Posters and Signs within the Public Right of Way on Controlled Access Highways and Interstate Highway System**

Political posters and signs shall not be located within the right-of-way limits of any Controlled Access Highway or within the right-of-way limit of the Interstate Highway System.

SECTION 6. ON-PREMISE SIGNS**1. Sign Eligibility**

To qualify for an on-premise sign, the applicant must be one of the following:

- A. A lawful business;
- B. A point of interest; or
- C. A cultural, historic, recreational, educational or religious facility on the land which the sign is being requested.

2. Location of On-Premise Signs

- A. On-premises signs must be located outside the state's right of way on the property for the entity being signed. Signs for each business on a property shall not number more than 10.
- B. On-premises signs shall be located within 1,000 feet of the principal building or structure where the business or facility is carried on or practiced or within 1,000 feet of the point of interest. Storage areas, warehouses and other auxiliary structures and fixtures are deemed to be buildings where the business, facility or point of interest is carried on or practiced.
- C. Location, relation to public way. On-premises Unless a license is obtained from the Commissioner pursuant to this subsection, on-premises signs are prohibited:
 - (1) Within 33 feet of the center line of any public way;
 - (2) Within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width; and
 - (3) Within the full width of the right-of-way of any public way.
 - (4) **Temporary On-Premise Signs** - Temporary on-premises sign are allowed for projects such as roofing, landscaping; to include mowing, masonry, moving, building construction or site work that will be completed within a specific duration of time. Temporary on-premises signs are allowed to be displayed only while the contactor is working on site. Temporary signs shall be installed no earlier than 8:00 a.m. and shall be removed no later than 5:00 p.m. All temporary on-premises signs shall be immediately and permanently removed when the overall project has been completed. Entities that install temporary signs that are in violation of this chapter will have 24 hours to comply, also see Section 8 below, Penalties and Enforcement.
 - (5) **Real Estate Signs**- Real Estate signs are allowed to be erected only on property that is for sale. The erection of real estate signs at off-premises locations for directional purposes is prohibited.
 - (6) A sign may be installed outside of the right of way but within the boundaries listed within 2.C. (1), (2), if the sign has been granted a license and is installed with a Department approved breakaway system within the sign frame.

3. Licensing Provisions

- A. An entity may ask for a license to be within the designated standards of sub-§2 (C.) above, if they are located outside the clear zone, and
- B. The majority of business signs within 1,000 feet of the business locations are within the Public Right of Way or 20 feet of the edge of pavement; or

- C. There is an inordinate amount of Public Right of Way that would create a hardship for the business or organization that may require substantial clearing for the sign to be visible from the travel way.
- D. All license requests will be reviewed by a panel comprised of MaineDOT personnel including the Chief Counsel, State Traffic Engineer, Region Engineer, Legal Administrator, Right of Way Control Technician, Field Investigator. The panel will set forth a recommendation to the Commissioner regarding the issuance of a license.
- E. Neither the granting of a license nor the installation of a sign within the public way conveys permanent property rights relating to the public way. The Department of Transportation is not responsible for loss or damage to an on-premises sign under this subsection from the use of the right-of-way of the public way for highway purposes. An on-premises sign under this subsection may be removed by the Department to accommodate highway uses at any time without compensation to the owner of the on-premises sign and at the owner's expense.

4. Interstate highways

- A. Not more than one on-premises sign, advertising the sale or lease of the property, may be permitted on land adjacent to any portion of the interstate system, including ramps and interchange areas, when that land is visible from any portion of the interstate system.
- B. Not more than one on-premises sign visible from any portion of the interstate system, including ramps and interchange areas, may be permitted more than 50 feet from the principal building or structure where the business, facility or point of interest is carried on.
- C. No on-premises advertisement, located more than 50 feet from the principal building or structure where the business, facility or point of interest advertised is carried on, may exceed 20 feet in length, width or height or 150 square feet in area, including border and trim, but excluding supports.
- D. Any on-premises sign located more than 50 feet from the principal building or structure where the business, facility or point of interest is carried on that displays any trade name that refers to or identifies any service rendered or product sold shall must display the name of the advertised business, facility or point of interest as conspicuously as such trade name.
- E. Businesses abutting the interstate may have up to 10 signs, but only one sign may be visible from the interstate highway.

5. On-premises signs prohibited. An on-premises sign is prohibited if it:

- A. Attempts or appears to attempt to direct the movement of traffic or interferes with, imitates or resembles any official traffic sign, signal or device;
- B. Prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;

- C. Contains, includes or is illuminated by a flashing, intermittent or moving light or lights, except as provided in Subsection 9, below;
- D. Uses lighting in any way unless the light is in the opinion of the Commissioner effectively shielded to prevent beams or rays of light from being directed at any portion of the public way or is of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle; or
- E. Moves, has any animated or moving parts or has the appearance of movement, except as provided in Subsection 9, below.

6. Height

The maximum height of on-premises signs is 25 feet above the ground level of land upon which it is located, or if the sign is affixed to or is part of a building, the maximum is 10 feet above the roof of the building.

7. Jurisdiction by local authority in compact areas

Except as otherwise provided in this chapter, administration of this chapter for on-premises advertisements located in compact areas of an urban compact municipality, as defined in section 754, is the responsibility of local authority. In compact areas of an urban compact municipality adjacent to the interstate, the Department of Transportation is responsible for the administration of this section.

8. Approach signs

Any business or facility whose principal building or structure, or a point of interest, which is located on a private way more than 1,000 feet from the nearest public way, or is not visible to traffic from the nearest public way, may erect no more than 2 approach signs with a total surface area not to exceed four (4) square feet per sign. These signs are allowed to be located within the public right-of-way limits and within 2,500 feet of the junction of the public and private ways.

9. Changeable signs

- A. Notwithstanding subsection 5, paragraph C, changeable signs are not prohibited as long as the sign complies with all the terms and applicable provisions of this subsection and rules adopted pursuant to this chapter. The Department of Transportation shall administer the provisions of this subsection, except as provided in paragraph B.

B. The display on each side of a changeable sign

- (1) May be changed no more than once every 20 minutes, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance;
- (2) Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending, unless the municipality in which

the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance. Notwithstanding this subparagraph, a municipality may not adopt an ordinance that allows the sign to flash or display continuous streaming of information or video animation; and

- (3) May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance.
- C. Only one changeable sign with 2 sides is allowed for each public way that provides direct vehicular access to the business, facility or point of interest.
 - D. Changeable signs may not be located so that the message is readable from a controlled-access highway or ramp.
 - E. The highest point of the display of a changeable sign may not exceed a height of 25 feet above either the centerline of the nearest public way or actual ground level adjacent to the sign, whichever is lower.
 - F. Changeable message board signs existing in accordance with the requirements of former subsection 11 continue to exist if the signs:
 - (1) Are reasonably incapable of being modified or reprogrammed to comply with this section as amended; and
 - (2) Are not replaced, substantially rebuilt, reconstructed or repaired beyond routine maintenance.
 - G. The size, intensity of illumination and acceptable rate of change between the time display and the temperature display of a time and temperature sign must comply with rules adopted by the Department of Transportation, except that time and temperature signs erected prior to September 29, 1995 need not comply with those rules.

SECTION 7. OFFICIAL TOURIST INFORMATION CENTERS

1. **Eligibility.** In order to be eligible for a sign, the entity must prove that they are acknowledged by the Maine Office of Tourism and must have rest room facilities
2. **Location Requirements and Maximum Number of Signs Allowed**
 - A. **General Requirements**

Signs shall be located within the public right-of-way on approaches to intersections where travelers must change direction from one public way to another to reach a business, service, or point of interest or where appropriate at the end of T intersections.

B. Interstate and Controlled Access Highways

Signs shall not be permitted within the right-of-way of the interstate highway system and fully controlled access highways.

C. Lateral Clearances and Vertical Clearances

- (1) Lateral and vertical clearances shall conform to standards outlined by the Department pursuant to federal highway standards.
- (2) Signs shall be located so as not to interfere with, obstruct, or divert a driver's attention from a traffic control sign or device.

SECTION 8. PENALTIES AND ENFORCEMENT

Any person, firm, corporation or other legal entity who shall erect, maintain or display a sign contrary to and in violation of this chapter, or the rules and regulations promulgated by the Commissioner, shall be punished by a fine of not more than \$100 together with the cost of removal of the signs. The unlawful maintenance or display of each sign or advertising structure for any one day shall constitute a separate offense.

In addition to other penalties, the Commissioner may, in the name of the state, institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this chapter, or any orders or the rules and regulations issued or promulgated hereunder.

OFFICIAL BUSINESS DIRECTIONAL SIGN REGULATIONS

REFLECTORIZED



1. \$30 ANNUAL FEE
2. SIGN AND POST TO BE ERECTED BY MAINEDOT
3. SIGNS PERMITTED ON ALL HIGHWAYS EXCEPT INTERSTATE AND FULLY CONTROLLED ACCESS HIGHWAYS
4. LETTERING SHALL BE WHITE ON BLUE BACKGROUND WITH HIGH INTENSITY PRISMATIC SHEETING
5. LOGO MAY BE OF ANY COLOR
6. LETTERING AND LAYOUT LIMITED TO TWO LINES OF PRINT
7. ***LETTERING TO BE SPECIFIED

NON-REFLECTORIZED

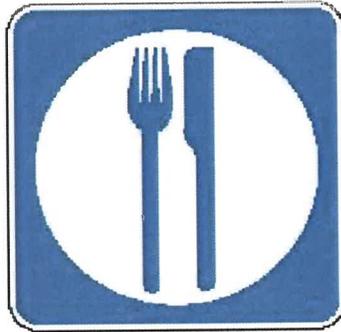


1. \$30 ANNUAL FEE
2. SIGN AND POST TO BE ERECTED BY MAINEDOT
3. SIGNS PERMITTED ON ALL HIGHWAYS EXCEPT INTERSTATE AND FULLY CONTROLLED ACCESS HIGHWAYS
4. ANY COLORS MAY BE USED
5. LOGO MAY BE OF ANY COLOR
6. LETTERING AND LAYOUT LIMITED TO TWO LINES OF PRINT
7. ***LETTERING TO BE SPECIFIED

NOTE: SIGN (S) MUST BE FURNISHED BY THE APPLICANT AND MADE TO MAINEDOT STANDARDS. PLEASE DO NOT HAVE SIGN (S) MADE UNTIL YOU HAVE RECEIVED A PERMIT.



PICNIC SITE



FOOD



HOSPITAL



CAMPING



TRAILER
CAMPING



LODGING



GAS

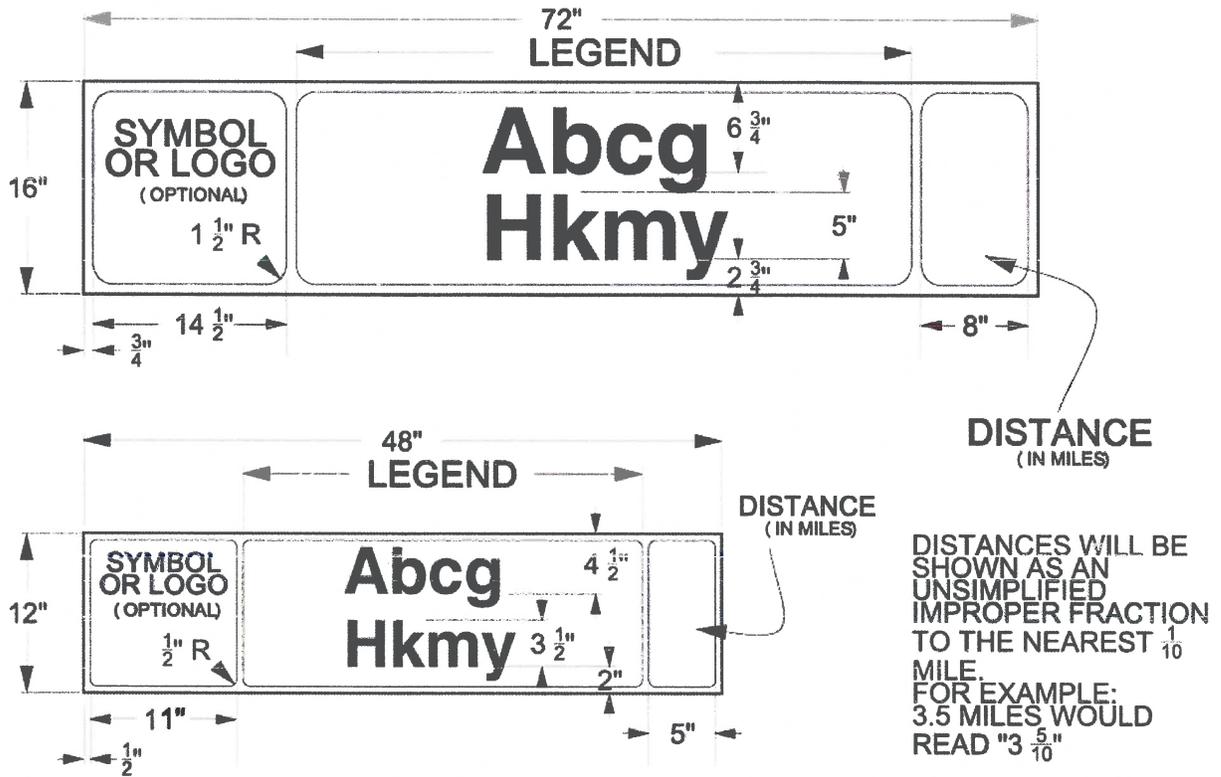


TOURIST
INFORMATION

Approved
Symbols for
Traveler
Services

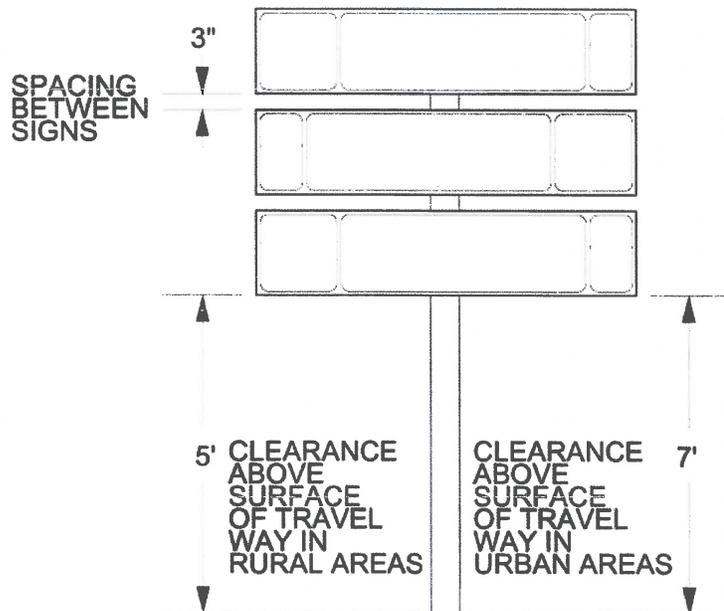
Figure 1

Helvetica Bold

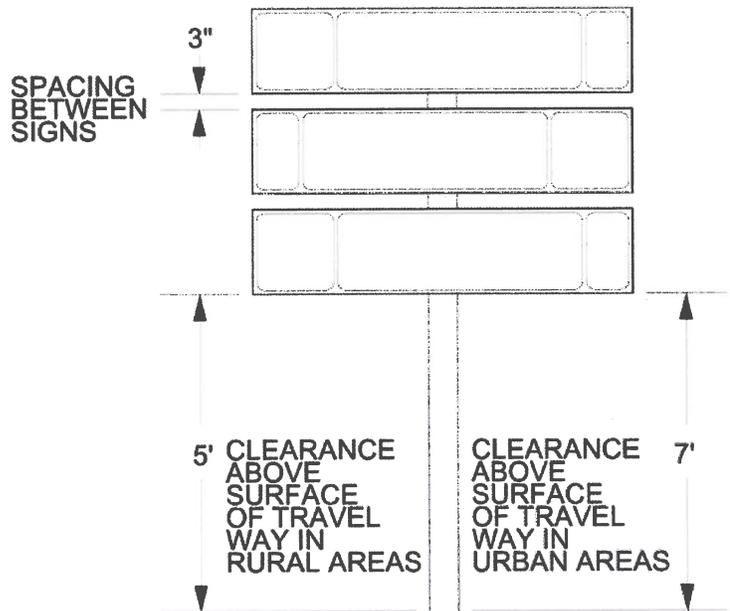
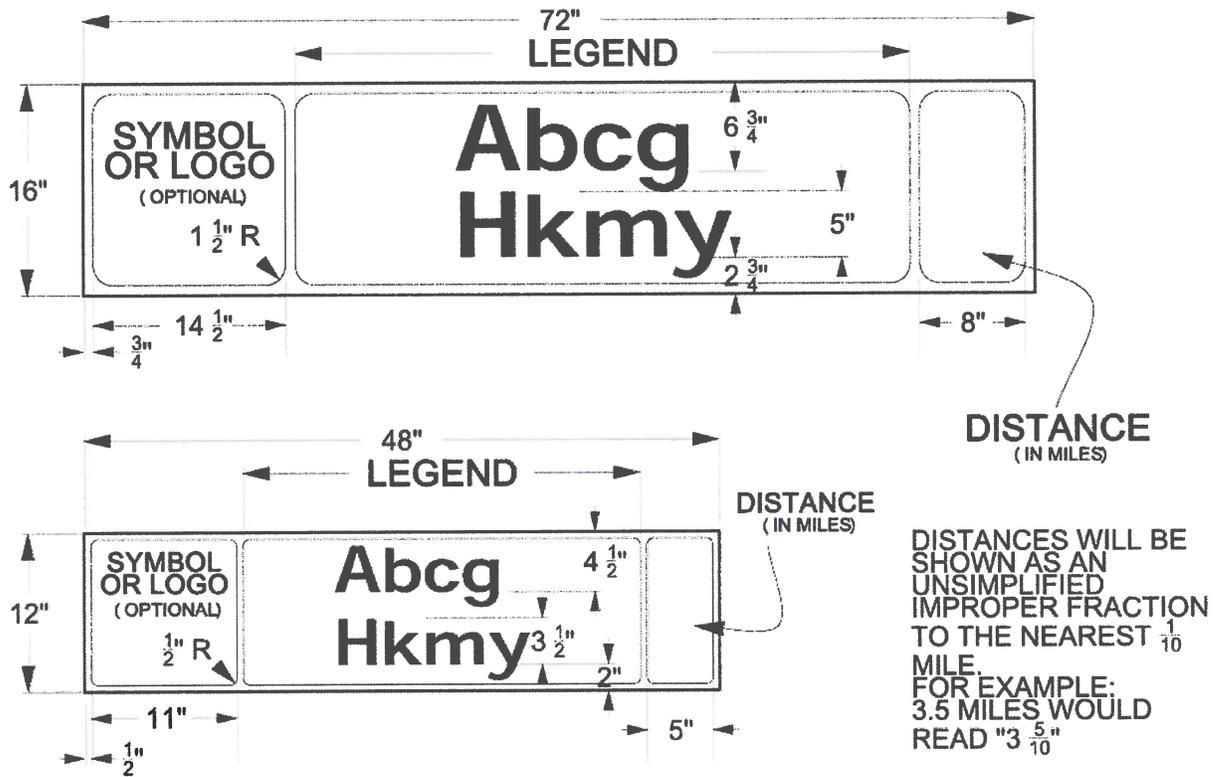


Approved Sizes and Details of Official Business Directional Signs

Figure 2



Highway Gothic E Modified



Approved Sizes and Details of Official Business Directional Signs

Figure 2

STATUTORY AUTHORITY:

23 M.R.S.A §1925, as amended by P.L. 2013 Ch. 529; 23 M.R.S.A. §52

EFFECTIVE DATE:

July 15, 2015 – filing 2015-128

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 10-07152019

TITLE: Adopting the proposed amendment to Chapter 42, Sections 42-44 Location and 42-45 Design, Installation and Maintenance

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 42, Sections 42-44 Location and 42-45 Design, Installation and Maintenance (as attached).

ORDINANCE:

DIVISION 2. - DIRECTIONAL SIGNS

Sec. 42-40. - Purpose and policy.

The purpose of this division is to provide tourists and travelers with information and guidance concerning public accommodations, facilities, commercial services, and other businesses and points of scenic, cultural, historic, educational, recreational, agricultural, and religious interest. To provide this information and guidance, it is the policy of the city:

- (1) To establish and maintain a system of official business directional signs;
- (2) To prohibit and control the proliferation of roadside signs; and
- (3) To provide a uniform procedure and criteria to govern their location and approval consistent with state laws governing official business directional signs.

(Code 1967, § 27-5.1)

Sec. 42-41. - Definitions.

Unless another meaning is given expressly or by clear implication, all terms used in this division shall have the meanings set forth in 23M.R.S.A. § 1903.

(Code 1967, § 27-5.2)

Sec. 42-42. - Applicability.

The provisions of this division shall apply only to official business directional signs.

(Code 1967, § 27-5.7)

Sec. 42-43. - Eligibility.

Lawful businesses and points of interest and cultural, historic, recreational, educational, and religious facilities are eligible to contract with the state for the placement of up to six official business directional signs within the city, but only at the intersections or locations listed in section 42-44.

(Code 1967, § 27-5.3)

State Law reference— Similar provision, 23 M.R.S.A. § 1909.

Sec. 42-44. - Location.

Official business directional signs shall be located in accordance with the provisions contained in 23 M.R.S.A. §§ 1911 and 1912 and chapter ~~200~~ 205 of the state department of transportation administrative guidelines on approaches to or at ~~the following intersections designated by the city council~~ all State, State Aid and Federal Highway intersections.

- ~~(1) Turnpike Connector/Lewiston Junction Road.~~
- ~~(2) Turnpike Connector/Washington Street.~~
- ~~(3) Turkey Lane/Washington Street.~~
- ~~(4) Route 122/Hotel Road.~~
- ~~(5) Beech Hill Road/Washington Street.~~
- ~~(6) Old Danville Road/Danville Corner Road.~~
- ~~(7) Merrow Road/Hotel Road.~~
- ~~(8) Turnpike Connector/Hotel Road.~~
- ~~(9) Rodman Road/Washington Street.~~
- ~~(10) Rodman Road/Poland Road.~~
- ~~(11) Rodman Road/Manley Road.~~
- ~~(12) Rodman Road/Hotel Road.~~
- ~~(13) Hotel Road/Minot Avenue.~~
- ~~(14) Upper Court Street/Minot Avenue.~~
- ~~(15) Fairview Avenue/Minot Avenue.~~
- ~~(16) Rotary.~~
- ~~(17) High Street/Minot Avenue.~~
- ~~(18) Broad Street/Mill Street.~~
- ~~(19) Riverside Drive/Mill Street.~~
- ~~(20) Court Street/Union Street Bypass.~~
- ~~(21) Court Street/Goff Street.~~
- ~~(22) Court Street/Western Avenue~~
- ~~(23) Court Street/Turner Street.~~
- ~~(24) Turner Street/Union Street Bypass.~~
- ~~(25) Center Street/North River Road.~~
- ~~(26) Park Avenue/Mt. Auburn Avenue.~~
- ~~(27) Gracelawn Road/Mt. Auburn Avenue.~~
- ~~(28) Center Street/Mt. Auburn Avenue.~~
- ~~(29) Youngs Corner Road/Hotel Road.~~
- ~~(30) Youngs Corner Road/Perkins Ridge Road.~~
- ~~(31) Lake Shore Drive/Route 4.~~
- ~~(32) West Hardscrabble Road/Lewiston Junction Road.~~
- ~~(33) Minot Avenue/Hatch Road (northerly direction only).~~
- ~~(34) High Street/Academy Street.~~
- ~~(35) Main Street/Academy Street.~~
- ~~(36) South Main Street/Mill Street.~~
- ~~(37) Lake Shore Drive/North Auburn Road.~~

- ~~(38) Center Street/Fair Street, Martin Street.~~
- ~~(39) Washington Street southbound Miami Avenue.~~
- ~~(40) Washington Street northbound Miami Avenue.~~
- ~~(41) Washington Street southbound Phil O Mar Street.~~
- ~~(42) Washington Street northbound Phil O Mar Street.~~
- ~~(43) Washington Street northbound Chasse Street.~~
- ~~(44) Washington Street southbound Chasse Street.~~
- ~~(45) Washington Street northbound Hackett Road.~~
- ~~(46) Park Avenue/Gamage Avenue.~~
- ~~(47) Perkins Ridge Road/Hatch Road (Welcomb's Corner).~~
- ~~(48) Center Street/Stetson Road.~~
- ~~(49) Fair Street/Oak Hill Road.~~
- ~~(50) Hotel Road/Manley Road.~~
- ~~(51) Summer Street/Youngs Corner Road.~~
- ~~(52) Riverside Drive/Penley Corner Road.~~
- ~~(53) Rodman Road/Twin Road.~~
- ~~(54) Washington Street northbound Adams Street.~~
- ~~(55) First Ave/Rotary Reverse Direction Connectors.~~
- ~~(56) Hackett Road/Broad Street.~~
- ~~(57) Center Street/Stanley Street.~~
- ~~(58) Center Street/Cross Street.~~
- ~~(59) Riverside Drive/Dunn Street.~~
- ~~(60) Turner Street/Gracelawn Road.~~
- ~~(61) Drummond Street/Main Street.~~
- ~~(62) Court Street/Pleasant Street (both directions).~~
- ~~(63) Minot Avenue/Elm Street.~~
- ~~(64) Pleasant Street/Elm Street.~~
- ~~(65) Millett Drive/Court Street.~~
- ~~(66) Minot Avenue/Millett Drive.~~

(Code 1967, § 27-5.4; Ord. of 3-2-1998; Ord. of 12-6-1999(2); Ord. of 11-19-2001(2); Ord. of 5-2-2005(02); Ord. No. 05-07162012, 8-6-2012)

State Law reference— Permitted locations, 3 M.R.S.A. § 1912.

Sec. 42-45. - Design, installation and maintenance.

Official business directional signs shall be designed, installed and maintained in accordance with the provisions of 23 M.R.S.A. §§ 1901 through 1925 and chapter ~~200~~ 205 of the state department of transportation administrative guidelines. ~~Signs shall be nonreflectorized and no larger than 12 by 48 inches, except that a reflectorized sign of any permissible size may be permitted on an existing sign assembly displaying a reflectorized sign of the same size if such sign assembly was legally erected prior to October 7, 1985.~~

(Code 1967, § 27-5.5)

Sec. 42-46. - Application.

Application for an official business directional sign shall be made on forms furnished by the state department of transportation. Completed applications shall be submitted to the department of planning and permitting services for review. Upon receipt of the completed application, the department shall review the request to ensure that it conforms to the provisions of this article and shall approve, conditionally approve or reject the request based on its findings. If disapproved by the department, the reasons for disapproval shall be communicated to the applicant in writing. Any person aggrieved by the decision of the department may appeal to the county superior court within 30 days of receipt of the department's decision. If approved, the applicant may then forward the approved application and the license fee prescribed by the state law to the state commissioner of transportation for approval or disapproval.

(Code 1967, § 27-5.6)

State Law reference— Applications for state licensing, 23 M.R.S.A. § 1918.

Sec. 42-47. - Penalty.

Any person who violates any of the provisions of this article shall be guilty of a civil infraction, and shall be subject to a fine of \$100.00 to be paid to the city for each such offense. Each day that such violation is permitted to continue after notification by the department of planning and permitting services shall constitute a separate offense.

(Code 1967, § 27-5.8)

Secs. 42-48—42-67. - Reserved.



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 15, 2019

Subject: Executive Session

Information: Contract negotiations (Fire), pursuant to 1 M.R.S.A. Section 405(6) (D).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
 - (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
 - (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
 - (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.
- This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 15, 2019

Subject: Executive Session

Information: Contract negotiations (MSEA), pursuant to 1 M.R.S.A. Section 405(6) (D).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
 - (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
 - (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
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B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

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F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.