

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that THE COUNCIL of the City of Auburn hereby amends Chapter 2, "ADMINISTRATION," of the "Code of Ordinances of the City of Auburn, Maine" as follows (additions are underlined; deletions are ~~struck out~~);

CHAPTER 2 – ADMINISTRATION

ARTICLE VI. – FINANCE

DIVISION 3. IDENTITY THEFT PROGRAM

~~Secs. 2-557—2-574. Reserved.~~

DIVISION 4. PROPERTY TAX ASSISTANCE PROGRAM

Sec. 2-557. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes to qualifying persons 65 years of age and over who reside in the City of Auburn.

Sec. 2-558. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as their permanent residence.

Qualifying applicant: A qualifying applicant is a person who is determined by the Program Administrator or her/his designee, after review of a complete application submitted under Section 2-561 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

Program Administrator: The person designated by the city manager to administer the Property Tax Assistance Program.

Property Tax Assistance Program: The program established by the City of Auburn under this ordinance.

State of Maine Residents Property Tax Fairness Credit Program: The property tax credit established by the State of Maine pursuant to Chapter 822, §5219-KK of Title 36 of the Maine Revised Statutes.

Sec. 2-559. Creation of the Program Fund

The City Council may annually appropriate funds for the Property Tax Assistance Program. The Program Administrator shall determine the total amount of property tax assistance sought by qualified applicants.



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If funds appropriated by the City Council are less than the amount for which applicants are eligible under the terms of this ordinance, then funds shall be proportionally disbursed. The Program Administrator shall calculate a difference ratio between the fund appropriation and the total amount of tax relief being sought by qualified applicants. This ratio shall be used to adjust each individual benefit for the qualified applicants. If a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Sec. 2-560. Criteria for Participation

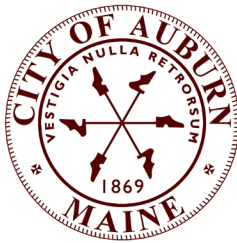
To qualify for the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 65 years of age or more by the last day on which an application may be filed under Section 2-561 of this Ordinance.
- b. The applicant shall have been a resident of the City of Auburn with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 2-561 of this Ordinance.
- c. A property owner applicant shall have a homestead exemption benefit, in accordance with Title 36 M.R.S. Sec. 681-689, already established on the property upon which the dwelling is located.
- d. The applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program for the previous income tax year.
- e. The federal adjusted gross income of the applicant and any other adult members of the applicant's household combined (total household income) does not exceed the current city's median household income as determined by the United States Bureau of the Census, or, if recent census data is not available, by another source that the Program Administer deems reliable and accurate.
- f. The applicant or any member of the household did not receive, nor is eligible to receive, rental assistance programs which include federal, state, or local initiatives.
- g. Property taxes for the immediately preceding fiscal year and all past property taxes have been paid in full for the subject property.

Sec. 2-561. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit an annual application due to the Program Administrator no later than April 15th of the year seeking assistance. The Program Administrator shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information.

At the time of application, applicants must provide adequate evidence of eligibility. The Program Administrator shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Program Administrator shall notify an applicant if an application is determined to be incomplete. The Program Administrator's decision on eligibility to participate in the Program shall be final.



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Sec. 2-562. Determination of eligibility and amount of eligibility

If the Program Administrator determines that the applicant is eligible to participate in the Program, he/she shall determine the amount of the benefit that the applicant is eligible for, subject to the following eligibility requirements:

- a. The amount of benefit shall be equal to the credit that the applicant qualified for under the State of Maine Residents Property Tax Fairness Credit Program, not to exceed \$1,000.00, provided that the benefit when combined with the State of Maine Property Tax Fairness Credit received by the applicant shall not exceed the applicant's gross property tax or rent; and
- b. The actual benefit paid shall be prorated based on available monies in the program fund pursuant to Section 2-559.

Sec. 2-563. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check no later than September 1st for the year in which participation is sought. The applicant must own or rent the property for use as their homestead at the time the payment is issued in order to preserve qualification.

Sec. 2-564. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Program Administrator shall be disbursed to another member of the household as determined by the Program Administrator in consultation with the City Manager. If the deceased applicant was the only member of a household, then no payment shall be made under this Ordinance. Payment shall not be made to heirs of an applicant who were not residents of the household at the time the application was filed.

Sec. 2-565. Annual Report to the City Council

The Program Administrator shall report in writing to the City Council no later than December 31st of each year (following the first year of the program) the projected payments, number of eligible applicants requesting assistance for the program fund, and any surplus or shortage of program funds as described in Section 2-559.

Secs. 2-566—2-574. - Reserved

Passed first reading 1/21/25

Passed second reading/public hearing 2/3/25, 7-0.



City Council Ordinance

IN CITY COUNCIL

Be it ordained by the Auburn City Council, that Chapter 2, "Administration", of the City's Code of Ordinances is hereby amended as follows:

ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 9. – HOMELESSNESS COMMITTEE

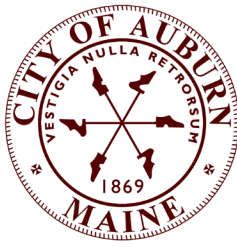
Sec. 2-842.11. – Established, membership.

There shall be a homeless committee, which shall be composed of the following ~~14~~15 members:

1. A city councilor, nominated by the mayor and appointed by the city council.
2. ~~Nine~~ Ten members to be nominated by the appointment committee and appointed by the city council.
 - a. A representative of an organization providing respite services in the city.
 - b. A representative of an organization providing shelter services in the city.
 - c. A representative of an organization providing housing services in the city.
 - d. A representative of an organization providing addiction services in the city.
 - e. A representative of an organization providing mental health services in the city.
 - f. A representative of an organization providing veteran services in the city.
 - f.g. A representative of an organization providing health care services to the homeless.
 - g.h. A resident of the city with homeless lived experience.
 - h.i. Two residents of the city.
3. Members ex officio.
 - a. City public health manager.
 - b. School Department homeless liaison.
 - c. Police chief, or a management level officer designated by the chief.
 - d. Fire chief, or a management level officer designated by the chief.

Sec. 2-842.12 - Term of Members.

All appointed members of the homelessness committee, other than the city councilor who shall serve coterminous with their term of office, shall serve staggered three-year terms from the date of their appointment and thereafter until their successors are appointed. At the time the initial appointments are made, the city council shall assign each member to a term with



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~~two~~ **three** members appointed to a one-year term; three to a two-year term; and ~~three~~ **four** to a three-year term.

Sec. 2-842.13 - Officers; rules of procedure; vacancies.

The homelessness committee shall elect a chair, a vice-chair, secretary, and such other officers as it may require. The committee shall develop such rules to govern its meetings and operations as it deems advisable. Minutes shall be kept of all meetings. Minutes and agendas will be made public through the city's website. Upon the death, incapacity, or removal from the city of any member, or if any member shall be absent without excuse for three consecutive meetings, the secretary of the board shall advise the city council that a vacancy exists and request the appointment of a replacement.

Sec. 2-842.14 – Duties.

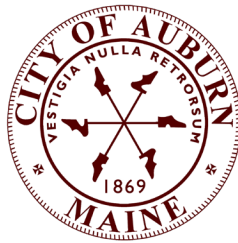
The purpose of the homelessness committee shall be to advance the city's commitment to reducing homelessness by serving as a research, advisory, and advocacy group on homelessness within the city.

Passed first reading 6/16/25, 5-0.
Passed second reading 7/7/25, 6-0.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

Be it ordained by the Auburn City Council, that Chapter 60, "Zoning", of the City's Code of Ordinances is hereby amended as follows:

Sec. 60-307. Dimensional regulations.

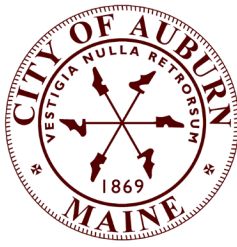
All structures in this district, except as noted, shall be subject to the following dimensional regulations.

- (1) Minimum lot area, width and depth. For each ~~building erected~~ lot, ~~there shall be provided the minimum required lot area, width, and depth as follows:~~
 - a. ~~Building housing one family~~ One Family Detached Dwellings: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
 - b. ~~Buildings housing two families~~ Two Family Dwellings: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
 - c. Multifamily ~~building~~ Dwellings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. ~~More than one principal building per lot is allowed.~~
 - d. For a lot containing a mixture of one family detached, and/or two family, and/or multifamily dwellings, the entire lot shall be subject to a minimum lot area requirement of 10,000 square feet for the first dwelling unit and an additional 2,000 square feet for each additional dwelling unit.
- (2) Density. ~~The following~~ A maximum densities density of 17 dwelling units per acre shall apply to any residential development with two or more dwelling units on a single lot, regardless of building configuration or according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

~~Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.~~

- (3) Yard requirements.
 - a. Rear. There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
 - b. Side. There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
 - c. Front. There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.
 - d. Principal buildings. More than one principal building may be erected on a lot, provided that all the buildings meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. Green space. Not less than 50 percent of the net acreage of each lot shall be devoted to green space. For the purposes of this section, green space shall include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but shall not include wetlands, buffer areas, off-street parking spaces, driveways, or common roads. Net acreage shall include all land contained within each lot except dedicated streets or street rights-of-way shown on the city's



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adopted master development plan or proposed to be included within a reasonable period of time.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:

- a. Multifamily buildings shall have a maximum height of 45 feet from grade.
- b. A church, ~~or~~ temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in ~~article~~ Article V of this ~~chapter~~ Chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Passed first reading 7/7/25, 5-1 (Milks opposed).
Passed second reading 7/21/25, 7-0.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



ORDINANCE 04-08042025

City Council Ordinance

IN CITY COUNCIL

Be it ordained by the Auburn City Council, that Chapter 14, "Business Licenses and Permits", of the City's Code of Ordinances is hereby amended as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Sec. 14-658. Application procedure.

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

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- h. If the applicant holds any other permits/licenses under this ordinance or other similar marijuana business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
 - i. The type of marijuana business for which the applicant is seeking a license.
 - j. The location of the proposed marijuana business, including a legal description of the property, street address, and telephone number.
 - k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.
 - l. The applicant's mailing address and residential address.
 - m. Recent passport-style photograph(s) of the applicant(s).
 - n. The applicant's driver's license.
 - o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
 - p. A copy of a city tax map depicting: The subject property lines and the property lines of other properties containing any existing marijuana businesses within 1,000 feet of the subject property; and the property lines of any public or preexisting private school within 750 feet of the subject property, measured in accordance with section 14-659.
 - q. Evidence of all state approvals or conditional approvals required to operate a marijuana business at the subject premises.
 - r. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana business pursuant to this Code, including, but not limited to, a building permit, site plan approval, change of use permit or certificate of occupancy for the subject premises.
 - s. Evidence of all other local approvals or conditional approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, food service establishment licenses.
- (3) All applications for a marijuana business license shall be kept confidential by the city.
 - (4) All applicants, including all individuals, officers, directors, managers, members, and partners, for any medical marijuana business license must be residents of the state, as defined in 22 M.R.S.A. § 2422.
 - (5) If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

(e) *Application and license fees.* All applications must be submitted with the applicable license fee(s) according to the city's fee schedule (APPENDIX A) before the city will issue a license.

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

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

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

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

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

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

~~Adult use marijuana cultivation:~~

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

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

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

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

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

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

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

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

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

(Ord. No. 03-05202019, 6-3-2019; Ord. No. 08-11022020, 12-21-2020; Ord. No. 21-09182023, 12-4-2023)

Passed first reading 8/4/25, 7-0
Passed second reading 8/18/25, 7-0.



ORDINANCE 05-08182025

City Council Ordinance

IN CITY COUNCIL

Be it ordained by the Auburn City Council, that Chapter 12, "Housing", of the City's Code of Ordinances is hereby amended as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Chapter 12, ARTICLE V

Vacant and Abandoned Buildings

Sec. 12-275 - Purpose.

This article is intended to prevent or mitigate dangers to public health, safety, and welfare, to promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite building repairs, and provide for prompt contact with a responsible party for the building by police, fire, and code enforcement officers when issues or emergencies develop.

Sec. 12-276 - Definitions.

For the purpose of interpreting this article, the following terms, phrases, words, and their derivations shall have the following meanings. All references to section 60-2 refer to Chapter 60, Section 60-2 of this Code of Ordinances.

Abandoned building means:

- A. A building that is unoccupied and which is under a current notice of default of a mortgage; under a current notice of sale by order of a trustee in bankruptcy; pending a tax assessor's lien sale; any property that has been the subject of a mortgagee's foreclosure sale; and any property transferred under a deed in lieu of foreclosure/sale; and/or
- B. A building that meets one or more of the conditions cited in 14 MRS §6326(2), as the same may be amended from time to time, for establishing abandonment by statute.

Accessory dwelling unit has the same meaning as in section 60-2.

Accessory structure or building has the same meaning as in section 60-2.

Building has the same meaning as in section 60-2.

Dwelling, multifamily has the same meaning as in section 60-2.

Dwelling, one-family has the same meaning as in section 60-2.

Dwelling, single family attached has the same meaning as in section 60-2.

Dwelling, two-family has the same meaning as in section 60-2.

Emergency action plan means an individualized plan developed for a specific vacant building or abandoned building, or group of such buildings if located on one parcel, which, in the judgment of the fire chief and/or police chief, poses a hazard and an elevated risk to surrounding property or to public safety, health, or welfare, that is used to facilitate an appropriate emergency response by the fire and/or police department.

High impact building means a vacant building or abandoned building that exceeds 50,000 square feet of floor area and which, in the judgment of the fire and/or police chief, requires an emergency action plan because of a heightened risk to public health, safety, or welfare as set forth in writing by the fire and/or police chief.

Responsible party means any person, agent, holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, assignee of rents, receiver, executor, trustee, lessee, other

person, firm or corporation with control or possession of the premises, or other legal entity having a legal or equitable interest in a vacant building, including but not limited to the beneficiary of a trust, and the holder of a life estate.

Seasonal dwelling has the same meaning as the term “Dwelling, seasonal” in section 60-2.

Unoccupied means lacking habitual presence of natural persons who have a legal or equitable right to be on the premises, or at which substantially all lawfully permitted uses have ceased except for secure accessory structures or buildings not intended for human occupancy.

Vacant building means a building that has remained unoccupied for a continuous period of 60 or more days.

Sec. 12-277 - Applicability.

- A. The provisions of this article apply to any vacant building or abandoned building located within the city except for those buildings exempted pursuant to Subsection B.
- B. The provisions of this article do not apply to:
 - (1) A vacant building that is the primary residence of any member of the United States Armed Forces while on active duty, provided the building is not an abandoned building.
 - (2) A seasonal dwelling that is not an abandoned building.
 - (3) A one-family dwelling, which is not a seasonal dwelling and is not an abandoned building, which the owner regularly occupies for at least 20 weeks per year.
 - (4) Any building, that is not a vacant building or abandoned building, that is actively under construction when such construction precludes the intended use of the building. Such exemption from the provisions of this article shall apply only during the term of the building permit or until an occupancy certificate is issued on that same building permit.
 - (5) Any vacant building, which is not an abandoned building, that is actively being marketed for sale. Such exemption shall not apply if the building was required to be registered as a vacant building the first time that it was offered for sale. Such exemption shall expire 180 days after the building is offered for sale.

Sec. 12-278 - Registration Required.

- A. The responsible party for a vacant building or abandoned building must obtain a vacant building registration permit for the period during which the building is vacant or abandoned.
- B. When a building becomes a vacant building or abandoned building as defined in Section 12-276, the responsible party for the building must obtain a vacant building registration permit and pay the fee required by Section 12-280 within 10 days of the building becoming a vacant building or abandoned building.
- C. Vacant building registration permit issuance.
 - (1) The director of the city planning, permitting, and code department, or their designee, shall issue a vacant building registration permit upon being satisfied that the building has been inspected and is in compliance with the vacant building and/or abandoned building standards set forth in this article.
 - (2) A vacant building registration permit is valid for six months from the date of issuance.
 - (3) A vacant building registration permit for a currently registered vacant building or abandoned building is nontransferable upon the sale or transfer of the building unless an application for transfer of the permit has been made to the director of the city planning, permitting, and code department, or their designee, within 10 days prior to the sale or transfer of the building, by the new responsible party. All

permit transfers shall be subject to all conditions and obligations imposed by this article and any previous permits unless expressly exempted therefrom.

- D. After the vacant building registration permit is issued, the director of the city planning, permitting, and code department, or their designee, shall add the property to a vacant property registry maintained by the city which shall be made available for public inspection.
- E. The vacant building registration permit must be affixed adjacent to the primary entrance of the vacant building or abandoned building in a location visible to police, fire, or code enforcement officers.
- F. Upon the expiration of a vacant building registration permit, if the building is still vacant or abandoned, the responsible party must arrange for an inspection of the building and premises with the director of the city planning, permitting, and code department, or their designee, and renew the permit within 10 days of its expiration. All permit renewals shall be subject to all conditions and obligations imposed by this article and any previous permits unless expressly exempted therefrom.

Sec. 12-279 - Application for vacant building registration permit.

The responsible party for a vacant building or abandoned building shall apply for a vacant building registration permit and after the issuance of a vacant building registration permit shall ensure that all required information is kept up to date.

- A. A permit application shall be made to the director of the city planning, permitting, and code department, or their designee, on a form furnished by the director for such purposes, and shall, at a minimum, include the following information:
 - (1) Name, mailing address, and e-mail address of the responsible party, and the telephone number which provides immediate 24x7x365 access to the responsible party for the building. If the responsible party is not an individual, the name of the individual designated as the point of contact for the responsible party must be provided.
 - (2) Name, mailing address, telephone number, and e-mail address of the individual designated by the responsible party for the building as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this article or code violation regarding the vacant building or abandoned building.
 - (3) The name, mailing address, telephone number of any bank, lender, lien holder, or other party with an interest in the property, as the term "party in interest" is defined in 14 MRS §6321.
 - (4) The street address of the building, and city parcel identification number for the property on which the building sits.
- B. The application shall include a statement of intent which shall include information as to the date of vacancy, expected duration of vacancy, the plan for the provision of regular maintenance during the vacancy to ensure compliance with all applicable code requirements, and a plan and timeline for the lawful occupancy, and, if applicable, rehabilitation, removal, or demolition of the building.
- C. The applicant shall provide written consent for the city police, fire and code enforcement officers to have immediate access to the premises, including to the vacant building or abandoned building and the land upon which it stands, and permitting inspection of the vacant building or abandoned building without prior notification, and without a warrant being required, when a city police, fire or code enforcement officer has reason to believe that circumstances exist which create an imminent danger to the public health, safety, or welfare. If such consent is not provided, the city may seek court authorization to enter the premises. The city may seek full recovery of costs incurred, inclusive of attorney's fees, in obtaining such court authorization.

- D. The application shall include a list of people authorized to be present in the building, along with a statement that any person not listed shall be considered a trespasser. The responsible party shall notify the director of the city planning, permitting, and code department, or their designee, immediately upon any change in the list of authorized persons.
- E. If the name of any party required in the application changes, or if the mailing address, telephone number, or e-mail address for any party changes or is no longer valid, the responsible party must notify the director of the city planning, permitting, and code department, or their designee, of the changes in writing within 10 days of such change.

Sec. 12-280 - Fees.

Fees for vacant building registration permits are as shown in Appendix A Fees and Charges. Fees shall be calculated as follows:

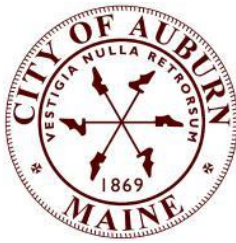
- A. For abandoned buildings, and for buildings under the control of banks or other financial institutions. A base fee for up to 50,000 square feet in floor area shall be charged. For each additional 10,000 square feet, or portion thereof, of floor area more than 50,000 square feet an additional fee of 50% of the base fee shall be charged.
- B. For commercial buildings, buildings comprised of more than two single family attached dwelling units, and multifamily dwellings, along with any accessory dwelling units associated with such dwellings, which are not under the control of a bank or other financial institution. A base fee for up to 50,000 square feet in floor area shall be charged. For each additional 10,000 square feet, or portion thereof, of floor area more than 50,000 square feet an additional fee of 50% of the base fee shall be charged.
- C. For one-family dwellings, buildings comprised of two single family attached dwelling units, and two-family dwellings, along with any accessory dwelling units associated with such dwellings, which are owner occupied, and which are not under the control of a bank or other financial institution. A base fee shall be charged.
- D. For one-family dwellings, buildings comprised of two single family attached dwelling units, and two-family dwellings, along with any accessory dwelling units associated with such dwellings, which are not owner occupied, and not under the control of a bank or other financial institution. A fee which is twice the base fee specified in Subsection C shall be charged.
- E. A one-family dwelling, which is not a seasonal dwelling, which the owner is not currently occupying but for which the owner can demonstrate, in written form, a contractual or other similar arrangement to maintain the property, is exempt from the fee shown in Subsection C. Such exemption shall only apply during the term of the contract or other similar arrangement.
- F. For vacant buildings or abandoned buildings that are designated as high impact buildings, an additional one-time fee equal to the base fee for the building type shall be charged.
- G. No permit shall be issued prior to payment of the permit or renewal fee.
- H. If a responsible party has been issued a building permit for renovations, demolition, or repairs, and is performing the permitted work in good faith during the active permit period, no fee will be required during the period that the permitted work is being performed.
- I. A registration fee escalates at a rate of two times the prior permit fee for each permit renewal while the building continues as vacant regardless of the party responsible. Such an escalated registration fee shall cover the increased cost of inspection and protection services of the City's fire, police, and code enforcement personnel during such permit renewal period. However, no permit fee shall exceed 16 times the original applicable fee for the building type.

Sec. 12-281 - Vacant building inspection.

- A. At the time of application for a vacant building registration permit, the responsible party for a vacant building or abandoned building shall arrange for an inspection of the building with the director of the city planning, permitting, and code department, or their designee. The inspection shall determine whether the building is considered vacant or abandoned as defined in this article, whether the building is determined to be a high impact building, and shall determine compliance with any applicable building, fire prevention, and life safety codes, and ordinance requirements.
- B. After a vacant building or abandoned building has been inspected and if the director of the city planning, permitting, and code department, or their designee has determined that the vacant building or abandoned building is a high impact building, the director, or their designee, shall notify the responsible party of this determination and require the submission of an emergency action plan. Such an emergency action plan shall be drafted in cooperation with the fire and/or police chief, or their designee. The sufficiency of the emergency action plan shall be determined by the fire and/or police chief, or their designee.
- C. After a vacant building or abandoned building has been inspected and if the director of the city planning, permitting, and code department, or their designee has determined that the vacant building or abandoned building does not meet one or more building, fire prevention or life safety codes, and/or ordinance requirements, the director, or their designee, shall issue an order for any work needed to:
 - (1) Adequately protect the building and property from:
 - (a) Intrusion by trespassers.
 - (b) Deterioration by weather.
 - (2) Bring the building and property into compliance with all applicable building, fire prevention and life safety codes, and ordinance requirements.
 - (3) Ensure that allowing the building to remain:
 - (a) Will not be detrimental to the public health, safety, and welfare.
 - (b) Will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood.
 - (c) Will not pose an extraordinary hazard to police officers, firefighters or code enforcement personnel entering the premises in times of emergency.
- D. When issuing orders under Subsection C, the director of the city planning, permitting, and code department, or their designee, shall specify the time for completion of the work. The order will act as an interim vacant building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit shall be effective for a period of more than 90 days.
- E. All work done pursuant to this article must be done in compliance with the applicable building, fire prevention, and life safety codes, and within ordinance requirements.

Sec. 12-282 - Violations and penalties

Any person or entity who is found to be in violation of any provision or requirement of this article shall be subject to a civil penalty, including the City's attorney's fees and other remedies as set forth in 30-A MRS §4452, as the same may be amended from time to time. Each violation of a separate provision or requirement, and each day of such violation, shall constitute a separate offense.



City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED, that THE CITY OF AUBURN adopts a Moratorium Ordinance on Needle Exchange Services as follows:

WHEREAS, pursuant to the Auburn City Charter, the Code of Ordinances, and the provisions of Maine law at 30-A M.R.S. §4356, the City Council has the authority to enact moratoria to protect the public health, safety, and welfare of the residents of Auburn; and

WHEREAS, the City Council finds that the establishment, expansion, or operation of needle exchange services within the City of Auburn have significant public health, safety, and community impacts that require careful study and possible amendment of existing ordinances; and

WHEREAS, the City's current ordinances do not specifically address needle exchange services and are inadequate to prevent serious public harm from establishment, expansion or operation of needle exchange services within the City; and

WHEREAS, the City Council finds that a temporary moratorium is necessary to allow sufficient time for municipal staff, the Planning Board, and the City Council to review, evaluate, and, if necessary, amend the City's ordinances governing needle exchange services; and

WHEREAS, in the judgment of the City Council, the foregoing findings constitute a necessity within the meaning of 30-A M.R.S. § 4356;

NOW, THEREFORE, the Auburn City Council hereby ordains that the following Moratorium Ordinance be, and is, enacted:

- 1. Moratorium Imposed.** No person or entity shall establish, expand, or operate a needle exchange service within the City of Auburn. For purposes of this Moratorium Ordinance, the term "needle exchange service" shall include any sterile hypodermic syringe and needle exchange program authorized and certified by the Maine Center for Disease Control and Prevention under state law (22 M.R.S § 1341) and associated state rules (10-144 C.M.R. ch. 252).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

2. Applicability. This moratorium applies to all proposals for needle exchange services, as well as any expansions or material modifications to existing operations. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, and regardless of the Effective Date, this Moratorium Ordinance shall govern and apply to all proceedings, licenses, and applications for a needle exchange service that were or are pending before the City Clerk, Code Enforcement Officer, or the Planning Board on or at any time after July 31, 2025, and, to the extent allowed by 30-A M.R.S. § 3007(6), shall nullify the issuance of any final approval of the City Clerk, Code Enforcement Officer, or the Planning Board made on or at any time after July 31, 2025 that authorizes the establishment, expansion or operation of a needle exchange service (the "Date of Applicability").

3. Duration. This Moratorium Ordinance shall become effective immediately upon its final passage by the City Council ("Effective Date") and shall remain in effect for a period of 180 days from its effective date, unless extended, modified, or repealed by the City Council.

4. Purpose. The purpose of this moratorium is to allow the City sufficient time to study the potential impacts of needle exchange services and to consider and adopt appropriate amendments to the City's ordinances.

5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance.

Passed first reading 8/18/25, 7-0.
Passed second reading 9/2/25, 7-0.

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