



City Council Ordinance

IN CITY COUNCIL

ORDINANCE AMENDMENT, Sec. 2-58. Time and Place of Regular Meetings

Be it ordained, that the City Council hereby amends the Code of Ordinances, Sec. 2-58, Time and place of regular meetings as follows:

Sec. 2-58. Time and place of regular meetings.

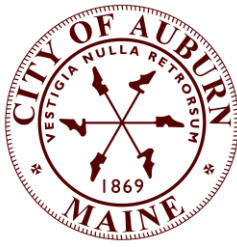
The dates and time of the regular meetings of the city council shall be the first and third Mondays of each calendar month at 7:00 p.m. If a regular meeting night falls on a legal holiday or the night before a legal holiday, then the stated meeting shall be held on the following ~~Monday~~ **Tuesday** at the same time and place unless the city council shall, at the meeting held next prior to the meeting falling on the holiday or the night before the holiday, fix a different alternate meeting date. The place of such meetings shall be the city council chamber in the city building, hereby designated to be the regular meeting place, unless the council designates another meeting place. All meetings of the city council shall be open to the public and may be continued to another location.

Passage of first reading on 1/3/2022 6-0 (Councilor Hawes absent).
Passage of second reading on 1/18/2022 7-0.

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

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

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



City Council Ordinance

IN CITY COUNCIL

Ordinance Amending Chapter 2, Article V, Division 2, amending Sec. 2-430 – Membership; responsibility

Be it ordained, that the following ordinance be amended:

Chapter 2, Article V, Division 2, amending Sec. 2-430 – Membership; responsibility

A board of regulatory advisory shall be appointed by the city council, consisting of seven members.,~~to serve without compensation.~~

The purpose of the regulatory advisory board is to perform the responsibilities of the board of assessment review, board of appeals, and all other regulatory review functions as directed by the city council. The board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

Persons appointed by the City Council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the Regulatory Advisory Board.

Passage of first reading on 1/3/2022 5-1 (Councilor Gerry opposed, Councilor Hawes absent).

Passage of second reading as amended on 1/18/2022 6-1 (Councilor Gerry opposed).

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

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

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



City Council Ordinance

IN CITY COUNCIL

AMENDING THE AUBURN CODE OF ORDINANCES, CHAPTER 14, ARTICLE XIV, TAXI CABS.

Be it ordained, that the Auburn City Council hereby amends the Auburn Code of Ordinances, Chapter 14, Article XIV, Taxi Cabs, Sections - 14-453, 14-455, 14-475, 14-476, 14-502, 14-503, 14-508 as attached:

Council voted unanimously to dispense of the second reading of this ordinance on two separate days, which requires a unanimous vote of the Councilors present and voting. Passage of first and second reading on 2/7/2022 7-0. A roll call vote was taken.

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

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

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

ARTICLE XIV. TAXICABS

DIVISION 1. GENERALLY

Secs. 14-430—14-450. Reserved.

DIVISION 2. BUSINESS LICENSES

Sec. 14-451. Required; application.

- (a) *License required:* No person shall operate a taxicab business without first obtaining a license to do so. Any person desiring to operate a taxicab business in the city shall first submit a written application therefore to the city clerk or designee which shall comply with the requirements of this section.
- (b) *Signature:* Every application shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases, by all persons having actual ownership interests in the applicant. If the applicant is a corporation, the application shall state the name and address and the date and place of birth of each of the principal officers of the applicant and of every person having management authority in the business of the applicant. In all other cases, the application shall state the name and address and the date and place of birth of every person having an actual ownership interest or having management authority in the business of the applicant.
- (c) *Insurance:* The application shall be accompanied by a certificate of liability insurance, providing for minimum coverage of \$50,000.00 property damage, \$100,000.00 bodily injury per person, and \$300,000.00 per accident.
- (d) *Criminal conviction statement:* The application shall include a record of disqualifying criminal conviction of any principal officer of a corporation or owner of the business or of any person having management authority in the business, or a statement that no such convictions exist.
- (e) *Vehicle information:* The application shall include the make, model, year, serial number, and license plate number of each vehicle for which a taxicab business license is sought and the address of the garage or other terminal at which the vehicle will be stationed when not in service. The licensee must also provide a copy of the valid state of Maine registration for each vehicle to be licensed.
- (f) *Vehicle description:* The application shall include a detailed description of the graphic design, insignia, wording, and coloring which will appear on the vehicle, if licensed.

(Ord. No. 38-02072011-05, att. § 24-427, 2-7-2011)

Sec. 14-452. Denial of taxicab business licenses.

- (a) The city clerk or designee may deny an application for a taxicab business license for any of the following reasons:
 - (1) A corporate applicant is not licensed to do business in this state.

-
- (2) A principal officer or other person having actual ownership interest in a corporate applicant or managing authority in the business has a disqualifying criminal conviction.
 - (3) Any person having an actual ownership interest or management authority in a non-corporate applicant has a disqualifying criminal conviction.
 - (4) An applicant or any of the principal owners having a controlling interest held a taxicab business license in the city which was revoked within the three years preceding the filing of the application.
 - (5) The application contains a material and knowingly false statement of fact.
- (b) The city clerk or designee shall promptly give written notice to the applicant of the reasons for denial and shall keep a copy on file.

(Ord. No. 38-02072011-05, att. § 24-428, 2-7-2011)

~~Sec. 14-453. Inspections.~~

~~Before a taxicab business license may be issued, all taxicabs to be covered by the license shall be thoroughly inspected by the police chief or designee at the applicant's expense and certified to be in safe condition. The applicant shall make its taxicabs available for such additional inspections at its expense as the police chief may reasonably require and shall not operate any taxicab not certified to be in safe condition until the unsafe condition is corrected.~~

~~(Ord. No. 38-02072011-05, att. § 24-429, 2-7-2011)~~

Sec. 14-454. Cancellation of insurance policy.

Should an insurance policy of any licensed taxi business in the city be canceled before its expiration date, the issuing company shall mail a 30-day written notice to the city. This notice should be sent to ~~the police chief and~~ the city clerk.

(Ord. No. 38-02072011-05, att. § 24-420, 2-7-2011)

Sec. 14-455. Suspension of taxicab business licenses.

- (a) The city clerk or designee shall suspend any taxicab business license for up to five days when satisfied that the licensee has:
- (1) Failed to notify the clerk of any material change of fact set forth in the license application~~;~~
 - (2) Failed to exercise proper control over its taxicab drivers as evidenced by the existence of three or more driver suspensions during the period of 12 months~~;~~
 - (3) Determination that a taxicab driver was operating a cab with any disqualifying criminal conviction.
 - (4) Determination that a driver was operating a cab with a record of convictions for reckless driving, driving to endanger, operating under the influence, or attempting to operate under the influence currently or during the year preceding the application.
 - (5) Determination that a taxicab driver was operating a cab with a driver's license that is presently revoked or has been revoked during the last three years preceding the application.
 - (6) A driver knowingly took a longer route to his destination than was necessary unless so requested by the passenger; knowingly conveyed any passenger to a place other than that which the passenger

specified; transported any person other than the passenger first engaging the taxicab without the express consent of such passenger; harassed, threatened, or assaulted a passenger; charged more than the set fare.

~~(3) Permitted a taxicab to be operated when it has been determined to be in unsafe condition;~~

~~(4) Refused to comply with the provisions of this article regarding the maintenance and inspections of its taxicabs.~~

- (b) In the event of a second or subsequent violation of the terms of these ordinances within the period of twelve months, the city clerk or designee shall suspend the licensee's taxicab business license for up to ten days. The length of the period of suspension shall vary in each case subject to the stated maximums depending on the gravity of the offense.

(Ord. No. 38-02072011-05, att. § 24-431, 2-7-2011)

Secs. 14-456—14-474. Reserved.

~~*DIVISION 3. TAXICAB DRIVER'S LICENSES*~~

~~**Sec. 14-475. Application for taxicab driver's licenses.**~~

~~(a) Any person who wishes to secure a taxicab driver's license shall submit a written application to the city clerk or designee which shall contain the following:~~

~~(1) The age of the applicant.~~

~~(2) A complete statement of the applicant's health and physical condition.~~

~~(3) A complete record of the applicant with respect to any disqualifying criminal conviction or a statement that no such conviction exists.~~

~~(4) A record of convictions for reckless driving, driving to endanger, operating under the influence, or attempting to operate under the influence during the year preceding the application.~~

~~(5) A statement as to whether any driver's license held by the applicant is presently revoked or has been revoked during the last three years preceding the application and the reasons for such revocation or revocations.~~

~~(6) An appropriate form or statement over the signature of the applicant giving all persons and governmental agencies having information relevant to the above items permission to release the same to the clerk.~~

~~(b) The application for a license under this article shall be accompanied by a photograph, in duplicate, of the applicant, which meets specifications for a passport photograph and is current within 30 days annually.~~

~~(Ord. No. 38-02072011-05, att. § 24-432, 2-7-2011)~~

~~**Sec. 14-476. Denial of taxicab driver's licenses.**~~

~~(a) The city clerk or designee shall deny an application for a taxicab driver's license if:~~

~~(1) The applicant is under 18 years of age.~~

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- ~~(2) The applicant does not have a valid motor vehicle operator's license.~~
 - ~~(3) The applicant is unable to operate a taxicab safely by reason of physical incapacity.~~
 - ~~(4) The applicant received a disqualifying criminal conviction at any time during the previous five years, provided that the conviction was for an offense that is reasonably related to the operator's fitness to operate a taxicab.~~
 - ~~(5) The applicant has been convicted during the preceding three years of reckless driving, driving to endanger, operating under the influence or attempting to operate under the influence, or an equivalent offense in another state.~~
 - ~~(6) His driver's license has been revoked during the preceding three years for any reason reasonably related to his ability to safely operate a taxicab.~~

~~(b) The city clerk or designee shall keep a written record of every decision to deny a taxicab driver's license.~~
(Ord. No. 38-02072011-05, att. § 24-433, 2-7-2011)

~~Sec. 14-477. Suspension of taxicab driver's licenses.~~

- ~~(a) The city clerk or designee shall suspend any taxicab driver's license when satisfied that the licensee:~~
 - ~~(1) Knowingly took a longer route to his destination than was necessary unless so requested by the passenger.~~
 - ~~(2) Knowingly conveyed any passenger to a place other than that which the passenger specified.~~
 - ~~(3) Transported any person other than the passenger first engaging the taxicab without the express consent of such passenger.~~
 - ~~(4) Harassed, threatened, or assaulted a passenger.~~
 - ~~(5) Charged more than the maximum fare specified in this article.~~
 - ~~(6) Failed to notify the clerk of any change of material fact set forth in the application for such license.~~
 - ~~(7) Removed from the taxicab or obscured the notice required by this article.~~
- ~~(b) The suspension shall be for up to five days. In the event of a second or subsequent violation of these ordinances within a twelve-month period, the city clerk or designee shall suspend the license of the taxicab driver for up to ten days. The length of the period of suspension shall vary in each case subject to the stated maximums depending on the gravity of the offense.~~

~~(Ord. No. 38-02072011-05, att. § 24-434, 2-7-2011)~~

~~Secs. 14-478—14-499. Reserved.~~

DIVISION 4. OPERATION AND EQUIPMENT REQUIREMENTS

Sec. 14-500. List of taxicabs in active use.

Every taxicab business shall maintain an up-to-date list on file with the city clerk or designee containing its current business address and the make, model, serial number, and license plate number of each taxicab being operated by it and the garage or other terminal at which the vehicle will be located when not in service together

with such additional information regarding the operating condition of each taxicab as the police chief may reasonable require.

(Ord. No. 38-02072011-05, att. § 24-430, 2-7-2011)

Sec. 14-501. Equipment condition and maintenance.

Every taxicab operated on the streets of the city shall be maintained in clean and serviceable condition and adequate repair. Each taxicab shall have two doors affording direct entrance and exit to and from the passenger compartment. Clean and adequate repair shall mean, without limitation, the following:

- (1) No visible tears in carpeting;
- (2) No dents larger than six inches in diameter;
- (3) No tears in seat upholstery;
- (4) No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not the area is currently occupied by a passenger;
- (5) No missing trim or body work;
- (6) No cracks in windshield or windows;
- (7) Seat belts for all passenger seats visible and in working order;
- (8) No missing hubcaps;
- (9) No visible primer paint; and
- (10) No rust greater than one inch in diameter.

(Ord. No. 38-02072011-05, att. § 24-420, 2-7-2011)

Sec. 14-502. Vehicle lettering design.

The name of the owner of the taxicab shall appear on the exterior of the taxicab in letters not less than two inches in height. In additions, the business telephone number of the taxicab owner may be included together with an identifying design. ~~Any such design must first be approved by the police chief as not being confusing to customers or unnecessarily distracting to other motorists.~~

(Ord. No. 38-02072011-05, att. § 24-420, 2-7-2011)

~~Sec. 14-503. Display of cards.~~

~~All licensed taxicabs shall have three cards of a size and form to be established by the police chief. These cards shall be placed or secured in a frame so that they may not be easily tampered with or destroyed. Each card shall show the license number assigned to the vehicle by the city clerk or designee and a statement that any customer complaint shall be directed to the police chief and shall include the license number of the taxicab, the schedule of the established rates of fares and zones, and the driver's identification card and number.~~

~~(Ord. No. 38-02072011-05, att. § 24-421, 2-7-2011)~~

Sec. 14-504. Number of passengers.

No driver shall permit more persons to be carried in the taxicab than the seating capacity of the cab.

(Ord. No. 38-02072011-05, att. § 24-422, 2-7-2011)

Sec. 14-505. Record of daily trips.

The owner of each licensed taxicab shall maintain daily records of trips made by the vehicle. These records shall be kept in a form and manner approved by the police chief and shall be open to inspection by any police officer delegated by the police chief.

(Ord. No. 38-02072011-05, att. § 24-423, 2-7-2011)

Sec. 14-506. Receipts for fares.

Every taxicab driver, when requested by a passenger, shall furnish a signed receipt showing the owner's name together with the date and amount of the fare charged.

(Ord. No. 38-02072011-05, att. § 24-424, 2-7-2011)

Sec. 14-507. Consent of passenger to additional fares.

No taxicab driver shall carry any person other than his initial passenger without first obtaining the first passenger's consent.

(Ord. No. 38-02072011-05, att. § 24-425, 2-7-2011)

Sec. 14-508. Rates and zones.

~~(a) — The city council, on its own initiative, or on petitions of ten or more residents of the city, or two or more persons regularly operating taxicab businesses in the city, may revise the schedule of fares and definitions of the zones for such fares. The schedule of fares shall be established and the zones defined so as to protect the public interest while at the same time providing taxicab owners with a reasonable return on their investment.~~

~~(b) — At least seven days before any action is taken by the city council to alter existing fares or change the description of zones, notice shall be given by publication in a daily newspaper having a general circulation in the city of the time and place of the meeting at which such action is proposed to be taken and of the fact that the city council will be considering a proposal to alter existing taxicab fares or zones. When the request for a change in rates or zone descriptions is initiated by one or more taxicab businesses, the applicants shall assume the expense of publishing the notice of the hearing.~~

~~(c) — At the hearing, the city council shall consider any relevant evidence that is offered to show whether or not fares or zone descriptions should be altered.~~

~~(d) — A schedule of the rates and zones currently in effect shall be kept on file in the office of the city clerk.~~

(Ord. No. 38-02072011-05, att. § 24-426, 2-7-2011)

A schedule of the rates and zones determined by the taxicab business must be submitted to the city clerk upon approval of a new license, the scheduled fee will be considered when approving the license. Established taxicab businesses must submit any revisions to the rates and zones 30 days before the revision goes into effect. The city council, on its own initiative, or on petitions of ten or more residents of the city may conduct a hearing regarding the schedule of fares and definitions of the zones for such fares. The city council has the authority, after a hearing, to determine if the revision is relevant and should be adjusted.

Secs. 14-509—14-529. Reserved.



City Council Ordinance

IN CITY COUNCIL

AMENDING THE AUBURN CODE OF ORDINANCES, APPENDIX A, FEES AND CHARGES.

Be it ordained, that the Auburn City Council hereby amends the Auburn Code of Ordinances, Appendix A, Fees and Charges as follows:

Taxicabs:

Taxicab business license (~~police department inspection required~~)—annually ~~per cab~~
.....55100.00

~~Taxicab driver's license (Lewiston permit required)—annually25.00~~

Council voted unanimously to dispense of the second reading of this ordinance on two separate days, which requires a unanimous vote of the Councilors present and voting. Passage of first and second reading on 2/7/2022 7-0. A roll call vote was taken.

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

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

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



City Council Ordinance

IN CITY COUNCIL

ADOPTING A DISORDERLY HOUSING ORDINANCE

Be it ordained, that the City Council hereby adopt the Disorderly Housing Ordinance (attached).

A TRUE COPY

ATTEST _____

Susan Clements-Dallaire, City Clerk

Date

Passage of first reading as amended on 2/7/2022 7-0.

Passage of second reading on 2/22/2022 6-0 (Councilor Morin absent).

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

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

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

**CITY OF AUBURN
DISORDERLY HOUSE ORDINANCE**

SECTION 1. TITLE.

This Ordinance shall be known as the "City of Auburn Disorderly House Ordinance."

SECTION 2. PURPOSE.

The purpose of this Ordinance is to protect the health, safety, and welfare of the residents of the City of Auburn by eliminating the proliferation of properties with occupants who disturb the peace and tranquility of their neighborhoods. Nothing contained in this Ordinance is intended to dissuade, discourage or prohibit any person whose safety is in jeopardy, or who is a victim of domestic violence, from contacting the appropriate authorities, including, but not limited to, the Auburn Police Department.

SECTION 3. LEGISLATIVE FINDINGS.

The City Council hereby finds that:

(a) The City has a substantial and compelling interest in protecting the health, safety, property, and welfare of its citizens and the neighborhoods affected by chronic unlawful or nuisance activity as well as in not dissuading, discouraging or prohibiting any person whose safety is in jeopardy, or who is a victim of domestic violence, from contacting the appropriate authorities.

(b) Chronic unlawful or nuisance activity of various kinds on and near disorderly houses adversely affects the health, safety and welfare of citizens and diminishes the quality of life in neighborhoods where this chronic activity occurs. Chronic unlawful or nuisance activity constitutes a public nuisance and should be subject to abatement.

(c) The existing ordinances and enforcement processes of the City do not adequately control chronic unlawful or nuisance activity or its detrimental effects on citizens and neighborhoods where such chronic activity occurs.

(d) Establishing the regulatory framework contained herein will alleviate the problems created by chronic unlawful or nuisance activity through early intervention by the Police Department.

SECTION 4. DISORDERLY HOUSES PROHIBITED.

(a) No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, or rooming house (hereinafter jointly and severally "building") which is a disorderly house as defined herein.

(b) A "disorderly house" is any building which:

(1) The Police Department has visited a minimum number of times in any thirty (30) day period response to situations that are created by the owner, tenants, or owner's or tenants' cohobitees, guests or invitees and that would have a tendency to unreasonably

disturb the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are audible outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding any request for police protection or any police intervention in the face of a threat or a perceived threat to person or property, or any request for the assistance of the police to enforce a court order, including, but not limited to, circumstances in which the request for assistance or other police intervention arises from an incident relating to domestic violence, dating violence, sexual assault or stalking against any person at or near the building); owners, tenants, or invitees of owners or tenants being intoxicated on public ways in the vicinity of the building; other similar activities in the building or outside the building itself; or

- (2) The police have visited three (3) or more times in any thirty (30) day period in response to situations which are created by the owner, tenants, or owner's or tenants' cohabitantes, guests or invitees and involve the arrest or summons of owners or tenants or their invitees for activities which constitute either a crime or civil infraction under either state or local law (excluding arrests or summonses arising from an incident relating to domestic violence, dating violence, sexual assault or stalking against any person at or near the building), or create a reasonable suspicion that illegal drug use or sales under 17-A M.R.S.A. Chapter 45 or prostitution or public indecency under 17-A M.R.S.A. Chapter 35 has occurred at the property.

Unit per Building	Number of Visits by Police in any 30-day Period
5 or less	3 Visits
6 - 10	4 Visits
11 or more	5 Visits

(c) The situation to which the visit pertains shall be documented by the Police Department. Such documentation may include sworn affidavits by named citizens that may be sufficient to create a reasonable suspicion said illegal activity has occurred.

SECTION 5. NOTICE OF DISORDERLY HOUSE.

(a) Whenever the Police Department has identified a building as a disorderly house, it shall cause written notification of the events that form the basis for that designation to be given to the owner. The notice shall require the owner to meet with representatives of the City (including the Police Department) within five (5) business days from the date of the written notification, or such other time as is agreed upon by the Police Chief or his/her designee, to identify ways in which the problems that have been identified will be eliminated.

(b) At the time of said meeting, the owner shall be obligated to provide to the City the following documentation:

- (1) A list of the names of all tenants or other persons authorized to reside or presently residing in the building and the units they occupy;

- (2) Copies of all leases or occupancy agreement(s) with tenants or other persons residing in the building (confidential personal or financial information may be omitted);
- (3) Contracts with any property manager or other person responsible for the orderly operation of the building; and
- (4) Proof of building ownership.

In addition, the owner shall agree to take effective measures to address the disorderly house, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the City and shall be implemented within one (1) week of said meeting unless another date is agreed upon by the Police Department. The Police Chief or his or her designee has authority to execute such agreements on behalf of the City. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this Ordinance, and the City may file a complaint in court seeking all remedies permitted by law as set forth in Section 7 of this Ordinance.

(c) If the same building should be classified as a disorderly house by the Police Department on a subsequent occasion within three (3) years, then the City is under no obligation to meet with the owner but may, after notice and hearing before the City Council, condemn and post the building or any units therein against occupancy as set forth in Section 7(a), and/or proceed directly with a complaint in court seeking all remedies permitted by law as set forth in Section 7(a).

(d) The notices provided for in this section may be given to any person, including any legal entity having the right of legal title or the beneficial interest in the disorderly house or any portion thereof, as that interest is recorded in the assessing records of the City or the Registry of Deeds of Androscoggin County, which shall be sufficient for all legal purposes. Notice shall be provided to the owner and any non-owner occupants of the building (if known).

SECTION 6. ENFORCEMENT.

(a) It shall be the duty of the Police Department to administer and enforce the provisions of this Ordinance. If the owner (a) refuses to meet with representatives of the City as set forth in Section 5 above, (b) refuses to agree to take effective measures to address the disorderly house, (c) takes ineffective measures to address the disorderly house as determined by the City, (d) fails to implement the agreement reached with the City to address the disorderly house, or (e) if, in the discretion of the City, the disorderly house requires immediate posting in order to protect the public health, safety or welfare, the City may condemn and post the building or any units therein against occupancy, and/or may file a legal action against the owner and/or violator seeking any and all remedies to which it is entitled pursuant to State and local laws, including, without limitation, declaratory and injunctive relief.

(b) In the event that condemnation and posting the building or any units therein against occupancy is necessary to address the disorderly house, the City shall provide all non-owner occupants of the building with written notice of said condemnation at least thirty (30) days in advance of the act of condemnation or the posting against occupancy, if the list of tenants is known to the City.

(c) In the event of legal action against an owner and/or violator for a disorderly house violation, the City shall name the non-owner occupants of the building (if known) as parties-in-interest to said legal action.

SECTION 7. VIOLATIONS.

Any person violating any of the provisions of this Ordinance or failing or neglecting or refusing to obey any order or notice of the Police Department issued hereunder shall be subject to a penalty as provided herein.

SECTION 8. CIVIL PENALTIES.

Any person who is found to be in violation of any provision of this Ordinance shall be subject to a civil penalty of not less than one thousand dollars (\$1,000.00) and not more than two thousand dollars (\$2,000.00), or as otherwise provided by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each violation of a separate provision of this Ordinance, and each day of violation, shall constitute separate offenses. In addition, if the City is the prevailing party in an enforcement action, said person shall also be liable for all reasonable expenses incurred by the City in the enforcement of this Ordinance, including, but not limited to, staff time, attorney's fees, and costs. All civil penalties shall inure to the benefit of the City of Auburn.



City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends the Auburn Code of Ordinances, Chapter 2 – Administration, Article V. Boards, Commissions and Committees by striking Division 5, Conservation Commission and Division 8, Agriculture Committee and replacing Division 5 with Sustainability and Natural Resource Management Board as attached.

A TRUE COPY

ATTEST _____

Susan Clements-Dallaire, City Clerk

Date

Passage of first reading as amended on 2/7/2022 7-0.

Passage of second reading on 2/22/2022 6-0 (Councilor Morin absent).

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

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

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PART II - CODE OF ORDINANCES
 Chapter 2 - ADMINISTRATION
 ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES
 DIVISION 5. Sustainability and Natural Resource Management Board

***DIVISION 5. SUSTAINABILITY AND NATURAL RESOURCE MANAGEMENT BOARD
 (SNRB)***

Sec. 2-477. Board established.

A Board is hereby established pursuant to 30-A M.R.S.A. §§ 3261—3263 to consist of six members, including representatives of the city council, planning board, and four standing working groups on agriculture, conservation, the community forest, and sustainability. The planning board chair and the mayor may either serve on this board or appoint a representative to serve as members of the SNRB for a term of two years. The standing working groups on agriculture, conservation, the community forest, and sustainability shall nominate one representative each for approval by the Council; these members shall serve staggered three-year terms. There shall be one ex officio member of the board, consisting of the city manager or his/her designee.

Sec. 2-478. Purpose.

The purpose of the SNRB shall be to advance Auburn’s commitment to sustainability by serving as a research, advisory and advocacy group on environmental issues and natural resource management within the City. The SNRB is created with the purpose of improving the relationship and communication between the City Council, existing committees, and staff with the aim of creating more effective organization of city sustainability efforts.

Sec. 2-479. Qualifications.

All members of the SNRB shall be selected on the basis of their knowledge of or interest in conservation, environmental science, agriculture, forestry, energy or related fields.

Sec. 2-480. Powers and duties.

- (1) SNRB will provide an interface between City leadership (City Council/ Mayor/City Manager), and four standing working groups (Conservation, Community Forest, Agriculture, Sustainability). SNRB will assure communication and coordination among the standing working groups, Council, and city staff.
- (2) SNRB will meet quarterly or as needed to set priorities for the standing working groups, review working group accomplishments, coordinate efforts, provide operating funds approved by the City Council for working group events, publications, etc. and develop brief quarterly updates for the Council. SNRB shall maintain a working relationship with the Planning Board.
- (3) The City shall identify staff to be resources for SNRB . It is not expected that staff attend all meetings, but rather attend or provide advice as needed.
- (4) SNRB may, upon approval by the City Manager or City Council advertise, and in coordination with the working groups, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary, if municipal appropriations provide financial resources to do so;
- (5) SNRB shall coordinate with City Manager any applications for grants from the federal or state governments, or private sources, to carry out the City's commitments to sustainability and responsible natural resource management;

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DIVISION 5. Sustainability and Natural Resource Management Board

- (6) SNRB may recommend to the city council the acceptance of gifts in the municipality's name for any of the commission's purposes;
- (7) SNRB may perform such other functions as are permitted by this Code.

Sec. 2-481. Officers, meetings and records.

- (1) SNRB shall appoint a chair and secretary.
- (2) SNRB shall appoint members of the 4 standing working groups. Working group membership will be between 5 and 11 depending on need and volunteer interest.
- (3) Standing working groups shall provide a quarterly report to the SNRB.
- (4) All meetings of the SNRB and standing working groups shall be open to the public, and notice, if required by law, should be provided to the public about such meetings.
- (5) Minutes shall be kept of all meetings. Minutes and agendas will be made public through the City's website.

Sec. 2-482. Standing Working Groups

Establishment: The SNRB will oversee four standing working groups, each of which will have a distinct focus on agriculture, conservation, the community forest, or sustainability. Goals of the working groups are outlined below.

Conservation Working Group

The Conservation Working Group will be a standing working group of the Auburn Sustainability and Natural Resource Management Commission. The purpose of the Conservation Working Group shall be to promote responsible stewardship of the natural environment in Auburn through research, advocacy, and education.

The Conservation Working Group:

- a) Shall seek to coordinate the activities of conservation and recreation bodies organized for similar purposes;
- b) In coordination with the City GIS staff shall keep an index of all open areas within the city, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The working group may recommend to the city council or to any Board of the city a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements.
- c) Shall promote public awareness and appreciation for Auburn's natural environment through a broad education program. This may include organizing events, distributing educational materials, and coordinating with local conservation organizations, both private and public.
- d) Shall support and advise City staff on the sustainable management of Auburn's natural resources, and promote cooperation and information-sharing with regional, state, and federal agencies.
- e) Shall provide advisory opinions and recommendations to the City Council, Planning Board, and other municipal elected or appointed officials on matters pertaining to natural resource management in Auburn.
- f) Shall assist with and coordinate applications for grants from the Federal or State governments, or private sources, to improve conservation assets for the city including parks, trails, and the community forest.

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DIVISION 5. Sustainability and Natural Resource Management Board

- g) Shall undertake any other conservation or environmental activity referred to it by the city council.

Community Forest Working Group

The Lewiston-Auburn Community Forest Board will be a standing working group of the Auburn Sustainability and Natural Resource Management Commission. The Community Forest Working Group shall develop and implement a program that promotes the socio-economic, environmental, and esthetic values of the Community Forest.

The Community Forest Working Group:

- a) Shall advocate for Auburn's Community Forest, defined as the sum of street trees, trees associated with public facilities including parks and schools, and public woodlots under the jurisdiction of the City or the School Department.
- b) Shall maintain Auburn's Tree City USA certification which includes Maine Arbor Week Activities.
- c) Shall raise funds and develop grant applications to support the Community Forest.
- d) Shall collaborate and coordinate with public and private organizations including the working groups of the Sustainability & Natural Resources Board, Planning Board and City Council to provide advice, information and policy recommendations.
- e) Shall advise staff concerning the Street Tree Inventory and Public Woodlots Forest Management Plan.
- f) Shall meet jointly with representatives from Lewiston to maintain the Lewiston-Auburn Community Forest Board (LACFB) established and continually operating since 2001. LACFB jointly established and manages the tree nursery on North Auburn Road under an easement for the benefit of both cities.
- g) Shall provide education opportunities to the public to enhance understanding and appreciation of issues related to the Community Forest, including tree planting, tree care, invasive plant and insect issues, and the socio-economic benefits of the Community Forest.

Natural Products [and Agriculture](#) Working Group

The Natural Products Working Group will be a standing working group of the Sustainability and Natural Resource Management Board. The purpose of Auburn's Natural Products Working Group shall be to proactively build a stronger natural resource economy in Auburn and to address the ongoing needs of protecting and promoting farms, farmland, woodlots, and natural resources based industries.

The Natural Products Working Group shall:

- a) Work to protect soils of statewide importance
- b) Promote local resource based economies
- c) Undertake education and community outreach to promote local commodities
- d) Provide assistance and contacts for local agricultural and resource based commercial initiatives at the state and federal levels

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DIVISION 5. Sustainability and Natural Resource Management Board

- e) Raise funds and develop grant applications to support the goals of promoting natural products in Auburn.
- f) Review and provide recommendations concerning solar installations in AGRP zoned areas
- ~~f)g)~~ Promote local food supplies and address local hunger issues.

Sustainability Working Group

The Sustainability Working Group will be a standing working group of the Auburn Sustainability and Natural Resource Management Commission. The mission of the Sustainability Working Group is to assist citizens of Auburn in making Auburn a Sustainable Community in the domains of environment, government operations, and culture.

The Sustainability Working Group:

- a) Through application of existing research and data acquired at the local level shall assist the city in developing policies and actions in sustainability that are aligned with the state's climate focus areas: modernization of buildings, transportation, emission reductions, environmental protection, healthy and resilient communities, investment in climate-ready infrastructure, and engagement of our citizens
- b) Shall assist City staff in identifying and securing grant funding to supplement city budget outlays for sustainability work.
- c) Shall work with the city staff and community partners to develop outcome metrics to measure the effectiveness of sustainability policies and actions. For example: do participation rates for curbside recycling or food composting increase with new recycling/compost bins and a targeted community education program?
- d) Shall collaborate with other community groups, the city and quasi-governmental groups to share resources and avoid duplication of efforts in pursuit of shared sustainability goals.
- e) Shall assist the city in budget planning to fund a Sustainability Manager position overseeing development of an Auburn Climate Action Plan, as well as current/future sustainability initiatives. Assist the city and the Sustainability Manager with the development of the Auburn Climate Action Plan.

Sec. 2-482.1. Limits of authority.

Nothing contained within this section shall supersede the provisions of the Charter or contrary provisions of the Code. No powers and duties which may be exercised by commissions under state statute which are not explicitly provided in this article may be exercised by the Board created herein.



City Council Ordinance

CITY OF AUBURN

PUBLIC SAFETY, DETENTION AND CORRECTIONAL FACILITY MORATORIUM ORDINANCE

THE CITY OF AUBURN adopts a Public Safety, Detention, and Correctional Facility Moratorium Ordinance as follows:

WHEREAS, the Androscoggin County Commissioners have announced plans to acquire property within the City to be used as a new or additional location for offices of the Androscoggin County Sheriff's Department and as a new or additional location for the Androscoggin County Jail;

WHEREAS, the current offices of the Androscoggin County Sheriff and the current Androscoggin County Jail are used for law enforcement, communications, emergency management, special operations, investigations, civil service, detention, including the holding and housing of persons in custody under process of law pending the outcome of legal proceedings, and corrections, including the holding and housing of persons for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense;

WHEREAS, the City's current ordinances governing land use, zoning, site plan review and special exception review do not adequately or specifically address Public Safety Facilities, Detention Facilities or Correctional Facilities;

WHEREAS, development of new or additional Public Safety Facilities, Detention Facilities or Correctional Facilities could pose serious threats to the public health, safety and welfare of the residents and businesses abutting or in close proximity to such facilities without adequate provision for issues of public safety, health, land use compatibility, noise, visual degradation and environmental degradation;

WHEREAS, the City is in the process of reviewing its Code of Ordinances, and needs additional time to study its Code of Ordinances to determine the implications of development proposals involving Public Safety Facilities, Detention Facilities and Correctional Facilities;

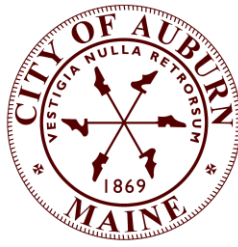
WHEREAS, the City Council and the Planning Board, with such professional advice and assistance as they deem necessary and appropriate, shall study the City's ordinances to determine the public safety, health, land use, environmental and other regulatory implications of development proposals involving Public Safety Facilities, Detention Facilities and Correctional Facilities and consider what regulations might be appropriate for such activity;

WHEREAS, the City's current ordinances are not adequate to prevent serious public harm from proposed development proposals involving Public Safety Facilities, Detention

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City Council Ordinance

Facilities and Correctional Facilities;

WHEREAS, the City's current ordinances do not contain sufficient standards to effectively provide municipal review and approval of development proposals involving Public Safety Facilities, Detention Facilities and Correctional Facilities;

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the City considers this moratorium on development proposals involving Public Safety Facilities, Detention Facilities, and Correctional Facilities;

WHEREAS, amendments to ordinances may require public hearings by the Planning Board and City Council and votes by the Planning Board and City Council; and

WHEREAS, in the judgment of the City, these facts create an emergency within the meaning of 30-A M.R.S.A. § 4356(1), and require this Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the City does hereby ordain that the following Moratorium Ordinance be, and hereby is, enacted:

Section 1. Moratorium Declared.

The City does hereby declare a moratorium on development proposals involving Public Safety Facilities, Detention Facilities, or Correctional Facilities at a site on which one currently does not exist. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended or modified by the City Council, for the express purpose of drafting an amendment or amendments to City ordinances to protect the public from health and safety risks including, but not limited to, the potential adverse public safety, health, land use compatibility, noise, environmental degradation and visual degradation effects of development proposals involving a Public Safety Facility, Detention Facility or Correctional Facility if not properly regulated; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall apply to any development proposals involving a Public Safety Facility, Detention Facility, or Correctional Facility for which an application for site plan review has not been determined to be complete by vote of the Planning Board prior to February 22, 2022, which is the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall start or engage in the construction or operation of a Public Safety Facility, Detention Facility, or Correctional Facility for which an application for site plan review has not been determined to be complete by vote of the

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City Council Ordinance

Planning Board prior to February 22, 2022, without complying with whatever ordinance amendment or amendments the City may enact as a result of this moratorium; and

BE IT FURTHER ORDAINED, that during the time this moratorium is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, certificate of approved use, conditional use review, special exception review and/or any other permits, licenses or approvals related to a Public Safety Facility, Detention Facility, or Correctional Facility for which an application for site plan review has not been determined to be complete by vote of the Planning Board prior to February 22, 2022; and

BE IT FURTHER ORDAINED, that those provisions of the City's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 2. Violations; Civil Penalties.

If the construction or operation of a Public Safety Facility, Detention Facility, or Correctional Facility is initiated in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties in accordance with 30-A M.R.S.A. § 4452 or City ordinance, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

Section 3. Definitions.

Correctional Facility means a facility in which persons are held and housed primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense. This definition includes pre-release facilities, but does not include work release centers.

City means the City of Auburn, Maine, a municipal corporation organized and existing under the laws of the State of Maine.

Detention Facility means a facility in which persons are held and housed in custody under process of law, pending the outcome of legal proceedings, but not for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

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City Council Ordinance

Public Safety Facility means a facility in which the operations of law enforcement, communications, fire services, emergency management, special operations, investigations, or civil services are housed for emergency and public safety responses.

Section 4. Effective Date; Emergency Declaration

The City Council declares the existence of an emergency because the Code of Ordinances is insufficient to prevent serious public harm that could be caused by the unregulated development of Public Safety Facilities, Detention Facilities, and Correctional Facilities, thereby necessitating a moratorium to provide an opportunity for the City to review the potential impacts and harm that may be caused by such development, and to amend its Code of Ordinances to mitigate the potential impact and harm on the City, its businesses and its residents. This Ordinance shall be effective immediately upon enactment by the City Council and shall remain in effect for one hundred and eighty (180) days from the date of enactment unless it is adopted as a regular ordinance within that time period.

Passage of first reading on 2/22/2022 6-1 (Councilor Staples opposed).

Passage of second reading on 3/7/2022 5-2 (Councilors Gerry and Staples opposed).

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City Council Ordinance

IN CITY COUNCIL

Amending the Zoning Map and Adjusting Article XII, Division 4, Sec. 60-951 Lake Auburn Watershed Overlay District Map

Be it ordained, that the City Council approve the amendment to the Zoning Map of 148 acres of Agriculture and Resource Protection (AG) to General Business (Parcel ID 289-001 and 289-002) of the Zoning Map and adjust the Article XII, Division 4, Sec. 60-951 Lake Auburn Watershed Overlay District map as proposed in the 2021 FB Environmental Report known as Lake Auburn- A Regulatory, Environmental, and Economic Analysis of Water Supply Protection.

Passage of first reading on 3/7/2022, 4-3 (Councilors Staples, Gerry, and Whiting opposed).

Passage of second reading on 3/21/2022, as amended, 4-3 (Councilors Staples, Gerry, and Whiting opposed).

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City Council Ordinance

IN CITY COUNCIL

Amending the Zoning Map (Washington Street/Minot Avenue area) from Industrial to Formed Based Code Downtown Traditional Center T-5.1.

Be it ordained, that the Auburn City Council approve an amendment to the Zoning Map to include the areas along Washington Street and Minot Avenue totaling approximately 240 +/- acres to be changed from General Business to Formed Based Code Downtown Traditional Center T-5.1. and including approximately 9.63 acres (PID 199-052) from Industrial to Formed Based Code Downtown Traditional Center T-5.1 as shown on the attached Exhibit B Map.

Passage of first reading on 3/7/2022 7-0.

Passage of second reading on 3/21/2022 5-2
(Councilors Gerry and Whiting opposed).

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City Council Ordinance

IN CITY COUNCIL

Amending Chapter 60, Article XII, Division 2, Section 60-1070

Be it ordained, that the Auburn City Council amend Chapter 60, Article XII, Division 2, Section 60-1070 of the Auburn Code of Ordinance to update to require that 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 design criteria of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II, March 2016 as shown in the attached text.

Passage of first reading on 3/7/2022 6-0 (Councilor Walker was not present for the vote).
Passage of second reading on 3/21/2022 7-0.

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City Council Ordinance

IN CITY COUNCIL

Amending the zoning district Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas (T-4.2).

Be it ordained, that the City Council hereby amends the boundary to be adjusted from Urban Residential and Multi-Family Suburban to Traditional Neighborhood Development District; T-4.2 the total amendment includes 1,687.41 acres shown on the map as Exhibit C and Utilize Public Parking in all Formed Based Code; Sec. 60-554, Notes (2)

*Parking requirements in T-4.1, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval. Sec 548.2-552.2 allow Accessways (A)

A TRUE COPY

ATTEST _____

Susan Clements-Dallaire, City Clerk Date

Passage of first reading, as amended on 3/21/2022, 5-2 (Councilors Gerry and Whiting opposed).

Passage of second reading, with all 3/21/2022 amendments rescinded, 5-2 (Councilors Gerry and Whiting opposed).

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City Council Ordinance

IN CITY COUNCIL

Amendment to the Code of Ordinances, Chapter 2 Administration, Division 7, Tax Assessor, Section 2-255. Appointment; term

Be it ordained, that the Auburn City Council hereby amends Chapter 2 Administration, Division 7, Tax Assessor, Section 2-255. Appointment; term, of the Code of Ordinances as follows:

Sec. 2-255. Appointment; term.

The tax assessor shall be appointed by the city council on the recommendation of the city manager. The tax assessor shall be appointed for a ~~two-year~~ term **not to exceed five years**.

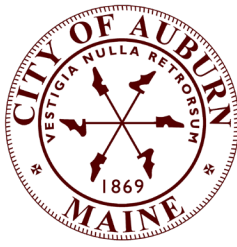
Passage of first reading on 3/21/2022 7-0.

Passage of second reading on 4/4/2022 7-0.

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City Council Ordinance

IN CITY COUNCIL

AMENDING CHAPTER 34 – PARKS, RECREATION, AND CULTURAL AFFAIRS

Be it ordained, that the City Council hereby amends Chapter 34 of our Code of Ordinances as proposed by staff in the attached document.

A TRUE COPY

ATTEST _____

Susan Clements-Dallaire, City Clerk Date

Passage of first reading on 04/04/2022, 7-0.

Passage of second reading on 04/19/2022, 7-0.

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Ordinance 13-04042022 attachment

Chapter 34 - PARKS, RECREATION, [FACILITIES](#) AND [SPECIAL EVENTS](#) ~~CULTURAL AFFAIRS~~¹¹

Footnotes:

--- (1) ---

State Law reference— Municipal parks, trees and playgrounds generally, 30-A M.R.S.A. § 3252 et seq.; designation of safe zones in areas frequented by minors, 30-A M.R.S.A. § 3253; public shade trees, 30-A M.R.S.A. § 3281 et seq.; appointment and duties of tree wardens, 30-A M.R.S.A. § 3282; removal of trees, 30-A M.R.S.A. § 3283; destruction or injury to trees prohibited, 30-A M.R.S.A. § 3284.

ARTICLE I. - IN GENERAL

Sec. 34-1. - Definitions.

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

Park means any publicly owned area maintained by the city parks and recreation department for the pursuit and enjoyment of leisure and recreational activities, in addition to any one of the following areas within the boundaries shown on the records at the assessor's office: See Appendix A

Smoking means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or joint, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy. Non-smoking marijuana products including, but not limited to, edibles and dabs are also included in this policy.

Tobacco means all tobacco-derived or containing products, including but not limited to, cigarettes, cigars, little cigars, cigarillos, bidis, kreteks; all smokeless and dissolvable tobacco products, including but not limited to, dip, spit/spit-less, chew, snuff, snus, and nasal tobacco; and any product intended to mimic tobacco, containing tobacco flavoring or delivering nicotine, including but not limited to, electronic nicotine delivery systems, e-cigarettes, e-cigars, e-hookahs, vape pen or any other product name or descriptor. Or the use of any other type of tobacco or nicotine product for the purpose of circumventing the prohibition of tobacco in this policy. This does not include products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy.

Marijuana means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

~~Park means any publicly owned area maintained by the city parks and recreation department for the pursuit and enjoyment of leisure and recreational activities, in addition to any one of the following areas within the boundaries shown on the records at the assessor's office: See Appendix A Middle School Park, Mount Apatite Park, Central Park, Moulton Park, Pulsifer Park, Auburn Municipal Beach, Pettengill Park, Union Street Gully, Raymond Park, Camp Exchange Day Camp, Riverfront Park and Bonney Park, West Pitch Park, Lakeview Park and Cleveland Field, Chestnut Street Park, Garfield Road Park, North River Road Boat Launch, Drummond Street Playground, Lake Street Playground, and Festival Plaza.~~

Secs. 34-2—34-20. - Reserved.

ARTICLE II. - PARKS AND RECREATION DEPARTMENT

Sec. 34-21. - Appointment of Executive Director of Community Partnership and Sport Tourism~~parks and recreation director.~~

The Executive Director of Community Partnership and Sport Tourism shall be appointed by the city manager and shall oversee all community partnerships and support the opportunities for sports tourism in Auburn. The parks and recreation director shall be appointed by the city manager and shall serve as head of the parks and recreation department.

Sec. 34-22. - Duties of Executive Director of Community Partnership and Sport Tourism shall be as follows:~~parks and recreation director.~~

~~The Executive Director of Community Partnership and Sport Tourism parks and recreation director shall have the following duties:~~

- (1) ~~Does work~~Works collaboratively with the Recreation Director, Recreation Superintendent and the NSBA Operations Manager involving responsibility for developing and administering a comprehensive program of community cultural, recreational and other leisure time activities.
- (2) Performs responsible professional recreation and park duties in the planning, organizing and direction of a citywide park, athletic and recreational area maintenance and ~~park~~ capital improvement program, including Ingersoll Turf Facility ~~Ice Arena~~, Senior Community Center, Hasty Community Center, and Norway Savings Bank Arena;
- (3) Prepares budget requests for recreation activities, park development and maintenance, capital equipment, the capital improvement program, the arena enterprise account and the special recreation activities ~~account, and~~account, and prepares grants for recreation programming and park development.
- (4) ~~Controls expenditures in order that they will be kept within appropriations.~~
- ~~(5) Coordinates the parks and recreation program with other public, private and quasi-public groups providing park and recreation opportunities for the community.~~
- ~~(6) Serves as the ex officio member of the parks and recreation advisory board and advises it on parks and recreation issues.~~
- ~~(7) Recommends to the city manager program and facilities fees and charges and negotiates contracts leading to the rental of the arena.~~
- (8) Ensures that program objectives are met through the selection, assignment and supervision of professional, supervisory and other personnel assigned to the department.
- (9) Performs other duties assigned by the city manager.

~~(10) Auburn Public Works Department maintains all playground equipment, playgrounds, athletic fields and cemeteries.~~

Sec. 34-23. Appointment of parks and recreation director.

The parks and recreation director shall be appointed by the city manager, with input from the Executive Director of Community Partnership and Sport Tourism and shall oversee the parks and recreation department.

Sec. 34-24. Duties of the Parks and Recreation Director shall be as follows:

1. Coordinates with the Executive Director to ensure the planning, organizing and direction of a citywide park, athletic and recreational area maintenance and capital improvement program meets the needs of the community.
2. Responsible for the staffing of all positions for programming.
3. Controls expenditures in order that they will be kept within appropriations.
4. Coordinates the parks and recreation program with other public, private and quasi-public groups providing park and recreation opportunities for the community.
5. Serves as the ex officio member of the parks and recreation advisory board and advises it on parks and recreation issues.
6. Coordinates with the Public Works Department to ensure the maintenance is conducted for all playground equipment, playgrounds, athletic fields, and cemeteries.
7. Perform other duties as assigned by the Executive Director.

Secs. 34-~~23~~25—34-47. - Reserved.

ARTICLE III. - RULES AND REGULATIONS

Sec. 34-48. - Establishment of park rules ~~and fees.~~

The director of the parks and recreation department shall recommend to the city manager and the parks and recreation advisory board and then to the city council rules ~~and fees~~ governing the use of parks and other public lands, which shall be posted on the city's website. An up-to-date copy of such rules shall also be on file in the office of the city clerk.

(Code 1967, § 18-1.6)

~~Sec. 34-49. - Penalty.~~

~~Any person violating any provision of the rules and regulations in this article adopted by the parks and recreation department shall be punished by a fine of not more than \$200.00.~~

Sec. 34-~~49~~50. - Park season.

In general, all municipal parks are open year-round but are maintained for public use only from [April](#) ~~May~~ 1 to November 30 annually, with the exception of Mount Apatite Park, which is open and maintained all year.

Sec. 34-501. - Protection of park property.

Except with the permission of an authorized representative of the parks and recreation department, no person in a park shall:

- (1) Willfully mark, damage or remove any building, structure, tables, benches, signs or other similar appurtenances or equipment.
- (2) Dig up, disfigure or remove any soil or vegetation or make any excavation. This does not apply to the area of Mount Apatite Park known as the mines. Here, digging, sorting through and otherwise disrupting the exposed mineral resources, to a depth of not greater than two feet, for the purpose of amateur gem and mineral collecting will be permitted. Persons engaging in this activity shall use hand tools only.
- (3) Construct any building or structure or run any public service utility into or across such park lands.
- (4) Throw away or leave trash or refuse except in proper receptacles.

[\(5\) Throw away all pet waste created in proper city maintained wastes receptacles.](#)

Sec. 34-512. - Operation of vehicles.

No person in a park shall:

- (1) Operate a motor vehicle except with a valid operator's license.
- (2) Operate an unregistered motor vehicle.
- (3) Fail to observe all traffic signs.
- (4) Drive any vehicle except a bicycle on or in any area except paved park roads or parking areas as may on occasion be specifically designated by the parks and recreation department. This subsection (4) shall not apply to the operation of snowmobiles in Mount Apatite Park during periods when there is an adequate snow cover.

Sec. 34-532. - Recreational activities.

No person in a park shall:

- (1) Swim, bathe or wade in the waters of any park except in such places as are specifically designated for swimming and bathing purposes and in compliance with rules and regulations adopted by the parks and recreation department.
- (2) Hunt, trap or pursue wildlife.
- (3) Discharge firearms.
- (4) Set up or erect tents, shacks or other temporary shelters except at such times and under such conditions as are permitted, in writing, by the parks and recreation department.
- (5) Build or attempt to build any fires without the written permission of an authorized representative of the parks and recreation department, and without the proper permits from the fire department as may be required.

- (6) Skateboard, bicycling, inline skate or roller skate on any paved or unpaved surface, stairways, grass or landscaped areas or within any playing court area, without the ~~written~~ permission of an authorized representative of the parks and recreation department. This subsection (6) shall not apply to the participation in or viewing of skateboarding, inline skating or roller skating on and within the designated skating area at Moulton Park and Riverwalk.-
- (7) ~~Ride a bicycle or roller skates or roller blades on the grass or landscaped areas, on park stairways, or in a reckless manner anywhere within the park. Riding bicycles and using roller skates or roller blades on park stairways in a responsible manner, so as not to endanger other users or interfere with their enjoyment of the park, is permitted.~~
- (8) Enter or engage in any activity after dusk and/or before dawn, without the written permission of an authorized representative of the department. Excluding Chestnut Park under the lights up to the hour of 9:00 p. m. This subsection (8) shall not apply to the participation in or viewing of authorized recreation activities in Pettengill Park under the lights up to the hour of 11:00 p.m.

Sec. 34-543. - Alcoholic beverages, Tobacco and illegal drugs.

Auburn is dedicated to providing everyone with a safe and healthy environment at all City recreational area properties. The City of Auburn specifically restricts the use of any tobacco and marijuana products, including, but not limited to cigarettes, cigars, dip, chew, dabs, electronic nicotine delivery devices, Juuls. (see Definitions) All persons using recreational properties must adhere to the following rules:

- (a) No person shall have any alcoholic beverages in his/her possession in a park area except:
 - ~~(1) In connection with a group outing at Camp Exchange Day Camp Tot Lot in accordance with rules and regulations adopted by the City, parks and recreation department.~~
 - ~~(2) At the Hasty Community Center, Recreational Facilities on occasions where specifically permitted by and in accordance with rules and regulations adopted by the parks and recreation department.~~
 - (3) In in connection with any special event or activity as specifically permitted by and in accordance with rules and regulations adopted by the parks and recreation department and with final approval through the application process and City Council approval.-
- (b) No person shall have any illegal drugs or other illegal substances in his/her possession in any park or facility at any time.

(c) No person shall use tobacco or marijuana products in or on city-owned athletic fields, city-owned parks, city-owned playgrounds, city-owned trails, city-owned beaches; including but not limited to Festival Plaza, Auburn Riverwalk, Ingersoll Turf Facility, Norway Savings Bank Arena, Hasty Community Center, Auburn Community Senior Center, Pettengill Park Baseball and Softball Fields, Lakeview Fields, Chestnut Field, PAL Center and Mount Apatite.

(b) Tobacco and Marijuana use on all school grounds is prohibited by state law at all times.

Notifications:

(d). The parks and recreation staff or their representatives will have the authority to notify offenders about the policy and have the authority to ask person(s) to leave if uncooperative. Notifications will follow the norms and procedures of other ordinances. The parks and recreation department shall place signs at the beginning and end point of any city trail as well as in such other locations that the parks and recreation department deem necessary to notify the public of this ordinance. ~~There will be a three-month educational period before the ordinance is put into effect.~~

Sec. 34-~~54~~55. - Entering area closed to public.

No person in a park shall enter an area which has been posted as being closed to the public.

Sec. 34-5~~5~~6. - Loitering.

No person in a park shall loiter in such a manner as to hinder the free passage of vehicles or pedestrians to any place or building within the park.

Sec. 34-5~~6~~7. - Sales activities.

No person shall offer any article or thing for sale in a park without first obtaining written permission from an authorized representative of the parks and recreation department.

Sec. 34-5~~7~~8. - Fishing in Gully Brook.

No person over the age of 15 years shall fish in that part of Gully Brook which flows through Pettengill Park.

Sec. 34-58 Enforcement/Penalties:

Person who violate any provision of this article shall be guilty of an infraction, punishable by a fine of \$200.00 and said fines shall be recovered for use by the City

(Code 1967, § 27-1.30)

Appendix A

Middle School Park, Mount Apatite Park, Central Park, Moulton Park, Pulsifer Park, Auburn Municipal Beach, Pettengill Park, Gracelawn Softball Fields, Union Street Gully, Raymond Park, Tot Lot, Riverfront Park and Bonney Park, West Pitch Park, Lakeview Park and Cleveland Field, Chestnut Street Park, Garfield Road Park, North River Road Boat Launch, Drummond Street Playground, Lake Street Playground, Norway Savings Bank Arena, Ingersoll Turf Facility, Senior Community Center, PAL Facility and Festival Plaza.