



# City Council Meeting and Workshop

## February 22, 2016

### Agenda

#### 5:30 P.M. Workshop

A. Council Committee Check-In

#### 7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Titus

#### Pledge of Allegiance

**I. Consent Items** – All items listed with an asterisk (\*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

**1. Order 05-02222016\***

Appointing Mary LaFontaine as the Chair of the Registration Appeals Board with a term expiration of 3/1/2020.

**2. Order 06-02222016\***

Accept and place on file the FY15 Comprehensive Annual Financial Report (CAFR).

**3. Order 07-02222016\***

Accepting the transfer of \$2,050.10 forfeiture assets in U.S. currency to the Auburn Police Department (Superior Court Criminal Action Docket No. CV-15-745 Thomas Murphy).

**4. Order 08-02222016\***

Confirming Chief Crowell's appointment of Francis M. Carignan as Constable without firearm for the Auburn Police Department.

**II. Minutes**

- February 1, 2016 Regular Council Meeting

**III. Communications, Presentations and Recognitions**

- Fund Balance Analysis Presentation – Jill Eastman, Finance Director

**IV. Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

**V. Unfinished Business** - None

# Auburn City Council Meeting & Workshop

February 22, 2016

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## VI. New Business

### 1. Ordinance 02-02222016

Adopting the amendments to Chapter 20, Article IV – Housing Code. Public hearing and first reading.

### 2. Ordinance 03-02222016

Adopting the amendments to Chapter 44, Article IV – Solid Waste. Public hearing and first reading.

## VII. Executive Session - None

## VIII. Reports

### Mayor's Report

### City Councilors' Reports

### City Manager Report

### Finance Director, Jill Eastman – January 2016 Monthly Finance Report

## IX. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

## X. Adjournment

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



## City Council Information Sheet

City of Auburn

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**Council Workshop or Meeting Date:** 2/22/2016

**Author:** Sue Clements-Dallaire

**Subject:** Council Committee Check-in

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**Information:** Three of the four Council Committees (Community & Economic Development, Transportation & Environment, and Finance & Administration) met the week of February 15<sup>th</sup>, 2016. The Public Safety & Community Services Committee will be meeting on Thursday, February 25<sup>th</sup> at 6:00 PM. This is an opportunity for Council to check in and discuss.

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**Advantages:**

**Disadvantages:**

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**City Budgetary Impacts:**

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**Staff Recommended Action:** Discussion only

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**Previous Meetings and History:**

Community & Economic Development - Tuesday, February 16, 2016 at 5:30 PM in Room 204

Transportation & Environment - Wednesday, February 17, 2016 at 5:30 PM in Council Chambers

Finance & Administration - Thursday, February 18, 2016 at 5:30 PM in Council Chambers

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**Attachments:** None



## City Council Information Sheet

City of Auburn

**Council Workshop or Meeting Date:** 2-22-2016

**Order** 05-02222016\*

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Appointment of the Registration Appeals Board Chair

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### Information:

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board.

The members of the board are nominated by the municipal committees of the major political parties who are then appointed by the Municipal Officers. Each member shall serve a term of 3 years. These appointments were made in 2015. **The chair of the board is nominated by the municipal clerk and shall serve a 4 year term. The term of the current chair expires in February 2016.**

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**Advantages:** This appointment will fill the vacant seat on this board and will fulfill the State Law requirement.

**Disadvantages:** I do not see any apparent disadvantages in making this appointment.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Recommend passage.

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**Previous Meetings and History:** N/A

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### Attachments:

Title 21-A Section 103

Order 05-02222016

## Maine Revised Statutes

**§102****Title 21-A:****§104**▼ [§103 PDF](#)▼ [§103 MS-WORD](#)▼ [STATUTE SEARCH](#)◀ [CH. 3 CONTENTS](#)◀ [TITLE 21-A](#)[CONTENTS](#)◀ [LIST OF TITLES](#)▼ [DISCLAIMER](#)◀ [MAINE LAW](#)◀ [REVISOR'S OFFICE](#)◀ [MAINE LEGISLATURE](#)**ELECTIONS****Chapter 3: VOTER REGISTRATION****Subchapter 1: REGISTRAR OF VOTERS HEADING:  
PL 1997, C. 436, §12 (AMD)****§103. Registration appeals board**

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. [2005, c. 453, §9 (AMD).]

**1. Population of 5,000 or over.** The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the registration appeals board, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the municipal committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board.

[ 1997, c. 436, §19 (AMD) .]

**2. Population of 4,000 to 5,000.**

[ 1999, c. 426, §4 (RP) .]

**3. Term of office.** Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality

▼	<a href="#">§103 PDF</a>
▼	<a href="#">§103 MS-WORD</a>
➔	<a href="#">STATUTE SEARCH</a>
⬅	<a href="#">CH. 3 CONTENTS</a>
⬅	<a href="#">TITLE 21-A</a>
	<a href="#">CONTENTS</a>
⬅	<a href="#">LIST OF TITLES</a>
▼	<a href="#">DISCLAIMER</a>
⬅	<a href="#">MAINE LAW</a>
⬅	<a href="#">REVISOR'S OFFICE</a>
⬅	<a href="#">MAINE LEGISLATURE</a>

and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn.

[ 1995, c. 459, §8 (AMD) .]

**4. Chairman of the board.** The member nominated by the clerk of the municipality is chairman of the board.

[ 1985, c. 161, §6 (NEW) .]

**5. Vacancy.** When there is a vacancy on the board, the alternate board member nominated by the municipal committee of the political party of the former incumbent shall serve. If an alternate is not available, the municipal officers shall appoint a qualified person nominated by the municipal committee of the party of the former incumbent to fill the vacancy. If the vacancy is in the office of the chair of the board, the municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy. Vacancies must be filled for the remainder of the term of office.

[ 1991, c. 466, §2 (AMD) .]

**6. Appeal hearing.** Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The board shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the board to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

[ 2009, c. 253, §9 (AMD) .]

**7. Actions of the registration appeals board.** A registration appeals board may only act by unanimous or majority action.

[ 1995, c. 459, §10 (RPR) .]

**8. Removal from office.** A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement. Any replacement member shall serve out the remainder of the replaced member's term.

[ 1995, c. 459, §11 (AMD) .]

#### SECTION HISTORY

1985, c. 161, §6 (NEW). 1985, c. 614, §4 (AMD). 1991, c. 466, §§2,3 (AMD). 1991, c. 862, §§1,2 (AMD). 1995, c. 56, §§1,2 (AMD). 1995, c. 56, §3 (AFF). 1995, c. 459, §§4-11 (AMD). 1997, c. 436, §19 (AMD). 1999, c. 426, §§4,5 (AMD). 2005, c. 453, §9 (AMD). 2007, c. 455, §4 (AMD). 2009, c. 253, §9 (AMD).

James Pross, Ward One  
Robert Stone, Ward Two  
Andy Titus, Ward Three  
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five  
Grady R. Burns, At Large  
David C. Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 05-02222016**

ORDERED, that the following Mary LaFontaine is hereby appointed as Chair of the Registration Appeals Board with a term expiration of 3/1/2020.



## City Council Information Sheet

City of Auburn

**Council Workshop or Meeting Date:** 2/22/16

**Order** 06-02222016\*

**Author:** Jill Eastman, Finance Director

**Subject:** Acceptance of the FY15 Comprehensive Annual Financial Report (CAFR)

**Information:** The FY 15 CAFR is complete and needs to be accepted.

**Advantages:** N/A

**Disadvantages:** N/A

**City Budgetary Impacts:** None

**Staff Recommended Action:** Passage

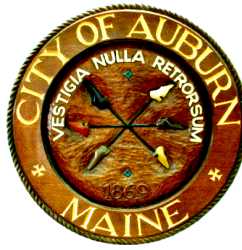
**Previous Meetings and History:** Presentation by the auditing firm Runyon Kersteen and Ouellette at the workshop on 2/01/16. Printed documents were distributed to Council in the February 1, 2016 packet.

**Attachments:**

Order 06-02222016



James Pross, Ward One  
Robert Stone, Ward Two  
Andy Titus, Ward Three  
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five  
Grady R. Burns, At Large  
David C. Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER**

ORDERED, that the Auburn City Council accept the Fiscal Year 2015 Comprehensive Annual Financial Report as presented by Runyon Kersteen Ouellette on February 1, 2016.



## City Council Information Sheet

City of Auburn

**Council Meeting Date:** February 22, 2016

**Order** 07-02222016

**Author:** Phillip L. Crowell, Jr., Chief of Police

**Subject:** Transfer of Forfeiture Asset – Thomas Murphy

**Information:** In July 2015, Auburn police officers responded to a suspicious condition in a downtown neighborhood involving an individual slumped over in a vehicle. Upon further investigation, officers identified the individual as Thomas Murphy and made the determination he was under the influence of drugs as well as in possession of illegal drugs.

Subsequently, officers arrested Mr. Murphy for Aggravated Trafficking in Schedule W Drugs. Mr. Murphy had in his possession 580 grams of Schedule W Drugs (prescription pills). In addition, officers seized \$2,050.10 in U.S. Currency as suspected proceeds from the illegal sale of drugs.

**Advantages:** N/A

**Disadvantages:** N/A

**City Budgetary Impacts:** The State of Maine, Office of the Attorney General, seeks to transfer \$2,050.10 U.S. Currency to the Auburn Police Department.

**Staff Recommended Action:** Vote to accept the transfer of \$2,050.10.

**Previous Meetings and History:** N/A

**Attachments:**

- Memo to City Manager



# Auburn Police Department



## Memorandum

Phillip L. Crowell  
Chief of Police

Jason D. Moen  
Deputy Chief

Rita P. Beaudry  
Executive Assistant

**To:** Howard Kroll, City Manager  
**From:** Phillip L. Crowell, Jr., Chief of Police  
**Date:** February 10, 2016  
**Re:** Criminal Forfeiture Funds – Thomas Murphy

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The Auburn Police Department seeks to accept the following Criminal forfeited assets:

- **Superior Court Criminal Action Docket No. CV-15-745 Thomas Murphy**

In July 2015, Auburn police officers responded to a suspicious condition in a downtown neighborhood involving an individual slumped over in a vehicle. Upon further investigation, officers identified the individual as Thomas Murphy and made the determination he was under the influence of drugs as well as in possession of illegal drugs.

Subsequently, officers arrested Mr. Murphy for Aggravated Trafficking in Schedule W Drugs. Mr. Murphy had in his possession 580 grams of Schedule W Drugs (prescription pills). In addition, officers seized \$2,050.10 in U.S. Currency as suspected proceeds from the illegal sale of drugs.

James Pross, Ward One  
Robert Stone, Ward Two  
Andy Titus, Ward Three  
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five  
Grady R. Burns, At Large  
David C. Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 07-02222016**

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) to the transfer of the above captioned Defendant (Thomas Murphy) In Rem (\$2,050.10), or any portion thereof, on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant (Thomas Murphy) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) by vote of the Auburn municipal legislative body on or about February 22, 2016.



## City Council Information Sheet

City of Auburn

**Council Meeting Date:** February 22, 2016

**Order** 08-02222016

**Author:** Phillip L. Crowell, Jr., Chief of Police

**Subject:** Confirm Chief Crowell's appointment of a Constable without firearms for the Auburn Police Department.

**Information:** Chief of Police Crowell requests that the Auburn City Council appoint a civilian (Francis M. Carignan) to serve documents in the City of Auburn. This civilian will act as a Constable without a firearm.

**Advantages:** Documents (ie: subpoenas) are time sensitive. Civilians, who have been appointed by the City Council, will be authorized to serve documents in the City of Auburn.

**Disadvantages:**

**City Budgetary Impacts:** N/A

**Staff Recommended Action:** Appointment of one civilian (Francis M. Carignan) to serve documents in the City of Auburn.

**Previous Meetings and History:** January 5, 2015 and December 21, 2015 – Annually and periodically, requests are made for appointments and re-appointments for the next or current calendar year.

**Attachments:**

- Memo from Chief



# Auburn Police Department



## Memorandum

Phillip L. Crowell  
Chief of Police

Jason D. Moen  
Deputy Chief

Rita P. Beaudry  
Executive Assistant

**To:** Honorable Mayor Jonathan LaBonte and Members of the City Council  
**From:** Phillip L. Crowell, Jr., Chief of Police  
**Date:** February 11, 2016  
**Re:** CONSTABLE 2016

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We request the following named person be appointed to serve documents as a Constable in the City of Auburn for 2016:

Francis M.  
Carignan

**Constable Process  
Server**

Without Firearm

Appointment

James Pross, Ward One  
Robert Stone, Ward Two  
Andy Titus, Ward Three  
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five  
Grady R. Burns, At Large  
David C. Young, At Large

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 08-02222016

ORDERED, that the City Council hereby appoint the following civilian to serve documents as a Constable without firearm in the City of Auburn.

Francis M.  
Carignan

**Constable Process  
Server**

Without Firearm

Appointment

## **IN COUNCIL REGULAR MEETING FEBRUARY 1, 2016 VOL. 34 PAGE 209**

City Manager Kroll called the meeting to order at 7:10 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present, Mayor LaBonté had an excused absence.

Motion was made by Councilor Stone seconded by Councilor Pross to nominate Councilor Young to serve as Mayor Pro Tempore in the absence of Mayor LaBonté. Passage 6-0 with Councilor Young abstaining.

### **I. Consent Items - None**

### **II. Minutes**

- January 25, 2015 Regular Council Meeting

Motion was made by Councilor Titus and seconded by Councilor Burns accepting the minutes of the January 25, 2016 City Council meeting. Passage 6-0 (Councilor Young did not vote).

### **III. Communications, Presentations and Recognitions**

#### **Auburn Police Department Badge Pinning Ceremony**

**New Hires:** Patrol Officer Pedro “Efra” Becerra-Aviles, Patrol Officer Daniel Chabot, Patrol Officer James Davison, Patrol Officer Christopher Saunders.

**Promotions:** Sergeant Kristopher Bouchard, promoted from Corporal to Patrol Sergeant; Sergeant Matthew Dailey, promoted from Corporal to patrol Sergeant; Sergeant Jason Moore, promoted from Corporal/Detective to Patrol Sergeant; Sergeant Chad Syphers, promoted from Corporal/Detective to Patrol Sergeant.

**Certification:** Chaplain Roger Cousineau.

#### **Council Communication – Business License Denial (Indeego Spa)**

**IV. Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. No one from the public spoke.

Mamie Ney – Director of Auburn Public Library, invited everyone to attend a Lincoln Birthday Celebration at 3:00 PM on February 12<sup>th</sup> at the Library. The movie Lincoln will be featured. She also gave special thanks to Tizz Crowley, Councilor Walker, and City Manager Howard Kroll for their help in putting this event together.

City Manager, Howard Kroll, introduced Sabrina Best, our new Recreation and Special Event Director.

### **V. Unfinished Business – None**

### **VI. New Business - None**



## IN COUNCIL REGULAR MEETING FEBRUARY 1, 2016 VOL. 34 PAGE 210

### VII. **Executive Session** - Economic Development matter, pursuant to 1 M.R.S.A. §405 (6)(C).

Motion was made by Councilor Walker and seconded by Councilor Titus to enter into executive session to discuss an economic development matter, pursuant to 1 M.R.S.A. §405 (6)(C). Passage 6-0 (Councilor Young did not vote). Time 7:36 PM.

Mayor Pro Tem Young declared Council out of executive session at 8:11 PM.

### VIII. **Reports**

**Councilor Burns** – no new committee reports at this time, but he stated that he is looking forward to working with Councilors Stone and Pross on the policy committee (Economic and Community Development).

**Councilor Walker** - no new committee reports at this time, but he noted that the meeting for the Transportation committee is set up for either the 25<sup>th</sup> or 26<sup>th</sup> of February.

**Councilor Gilbert** - she will be attending three meetings this week but has nothing new to report for this month.

**Councilor Young** - no committee report at this time.

**Councilor Titus** – the Finance and Administration Committee will be meeting on February 18<sup>th</sup>, the Public Safety committee has not scheduled a date yet but should be confirmed soon. He noted that there was a meeting at ATRC having to do with the Downtown Transportation Center tomorrow.

**Councilor Stone** – he is looking forward to meeting on the 18<sup>th</sup> with the Finance & Administration Committee. He also noted that he met with his coordinating School Committee member, Bonnie Hayes, and it was a worth-while effort.

**Councilor Pross** – Last Thursday on the 28<sup>th</sup> the second Neighborhood Conversation meeting was held at the East Auburn Community School. He facilitated the meeting in the absence of the Mayor. He received positive feedback. The focus was on both the schools and city based projects. They also talked a bit about the East Auburn Community School and how it stands out in terms of its size overall as far as student population goes and how it measures out compared to other elementary schools. One thing in particular that interested him was that the poverty rate at that school is 41%. He encouraged Councilors again to reach out to their corresponding School Committee members, if they haven't already, to talk about issues before budget conversations begin. Lost valley had a wonderful night at the Winter Fest on Friday. He attended with his daughter and it was a fun time. He thanked city staff for doing a great job putting that together and for making it a success. He also thanked Lost Valley for hosting a wonderful night.

**City Manager** – thanked the Recreation Department staff for Winter Fest, in particular, Jasmine McLoughlin who really made it happen. All in all it was a great event. Norway Savings Bank Arena opened up for free skating. Tomorrow is a meeting at Androscoggin

**IN COUNCIL REGULAR MEETING FEBRUARY 1, 2016 VOL. 34 PAGE 211**

Valley Council of Governments, the LATC will be voting on taking proceeds money out of their reserve account to put toward the Downtown Transportation Center. Thursday at Walton School is the next Neighborhood Conversation meeting. He is expecting a good turnout. Also on Thursday the Airport Board meeting will be at 5PM to discuss the budget. He also mentioned the upcoming meetings with Joint Charter Commission. They've hired a firm out of Rochester, New York that will be interviewing, staff, department heads in particular, and the Mayors of both cities.

- IX. Open Session** - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

No one from the public spoke.

**X. Adjournment**

Motion was made by Councilor Burns and seconded by Councilor Walker to adjourn. All were in favor, the meeting adjourned at 8:24 PM.

A True Copy.

ATTEST   
Susan Clements-Dallaire, City Clerk

**GENERAL FUND  
FUND BALANCE ANALYSIS  
AS OF JUNE 30, 2015**  
Prepared February 9, 2016

Attached you will find 3 spreadsheets that go over the General Fund, Fund Balance.

**Chart #1** shows a comparison between Fiscal Year Ending June 30, 2014 and June 30, 2015.

The total fund balance went down \$1,218,169, from FY 2014 to FY 2015. The reduction is made up of 2 major components. In FY 15 the budget included \$1,350,000 use of Fund Balance on the Municipal Budget and \$906,882 use of Fund Balance on the School Department Budget. The actual amount used on the Municipal Budget was \$659,462 and on the School Department Budget was \$558,707, for a total reduction in fund balance of \$1,218,169.

The main reason for the difference in Unassigned Fund Balance was due to a change in reporting from FY 14 to FY 15 of the amount budgeted for the subsequent years' budget. In FY 14 the \$1,350,000 budgeted was classified as Unassigned Fund Balance and in FY 15 the \$1,650,000 budgeted was classified as Assigned Fund Balance.

The attached chart shows the components of each type of fund balance and the differences between the two fiscal years.

**Chart #2** shows the Fund Balance history for the last 5 years.

**Chart #3** shows how a reduction in the use of Fund Balance to balance the budget would affect the mill rate.

I am prepared to discuss these charts and/or answer any questions that you may have.

GENERAL FUND  
FUND BALANCE ANALYSIS  
AS OF JUNE 30, 2015  
Prepared February 9, 2016

	<u>FY 14</u>	<u>FY 15</u>	<u>Difference</u>
Nonspendable:			
Prepaid expenditures	\$ 198,246	\$ -	\$ (198,246)
Long-term receivables	\$ 431,257	\$ 1,415,749	\$ 984,492
<u>Total nonspendable</u>	<u>\$ 629,503</u>	<u>\$ 1,415,749</u>	<u>\$ 786,246</u>
Restricted:			
Education	\$ 1,969,754	\$ 1,411,047	\$ (558,707)
<u>Total restricted</u>	<u>\$ 1,969,754</u>	<u>\$ 1,411,047</u>	<u>\$ (558,707)</u>
Assigned:			
Subsequent budget	\$ -	\$ 1,650,000	\$ 1,650,000
Reserves	\$ 50,978	\$ 11,576	\$ (39,402)
Self Insurance	\$ 469,022	\$ 945,292	\$ 476,270
Encumbrances	\$ 292,886	\$ 440,128	\$ 147,242
<u>Total assigned</u>	<u>\$ 812,886</u>	<u>\$ 3,046,996</u>	<u>\$ 2,234,110</u>
<u>Unassigned</u>	<u>\$ 8,651,216</u>	<u>\$ 4,971,398</u>	<u>\$ (3,679,818)</u>
<b><u>Total fund balance-General Fund</u></b>	<b><u>\$ 12,063,359</u></b>	<b><u>\$ 10,845,190</u></b>	<b><u>\$ (1,218,169) *</u></b>

\* Net change in fund balance - GAAP basis (see CAFR, Statement 6, page 40)

**GENERAL FUND  
FUND BALANCE ANALYSIS  
AS A % OF EXPENDITURES  
FOR THE FISCAL YEARS ENDED JUNE 30  
Prepared February 9, 2016**

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Unrestricted (Assigned + Unassigned)					
General Fund Balance	\$ 10,196,719	\$ 11,693,675	\$ 9,929,722	\$ 9,464,102	\$ 8,018,394
Total Expenditures	\$ 70,417,097	\$ 71,203,022	\$ 73,665,903	\$ 74,914,911	\$ 78,800,167
<b>As a % of Expenditures</b>	14.48%	16.42%	13.48%	12.63%	10.18%
Unassigned					
General Fund Balance	\$ 9,108,868	\$ 10,732,684	\$ 8,775,150	\$ 8,651,216	\$ 4,971,398
Total Expenditures	\$ 70,417,097	\$ 71,203,022	\$ 73,665,903	\$ 74,914,911	\$ 78,800,167
<b>As a % of Expenditures</b>	12.94%	15.07%	11.91%	11.55%	6.31%

GENERAL FUND  
FUND BALANCE ANALYSIS  
REDUCTION IN USE OF FUND BALANCE  
Prepared February 9, 2016

	FY 16	Reduce FB Contribution by One Third	Reduce FB Contribution by One Half	Reduce FB Contribution by Two Thirds	Reduce FB Contribution by 100%
<b>Total Tax Levy</b>	\$ 42,376,283	\$ 42,926,283	\$ 43,201,283	\$ 43,476,283	\$ 44,026,283
Total Assessed Value	\$ 1,994,564,443	\$ 1,994,564,443	\$ 1,994,564,443	\$ 1,994,564,443	\$ 1,994,564,443
Tax Rate	\$21.25	\$21.52	\$21.66	\$21.80	\$22.07
Use of Fund Balance	\$ 1,650,000	\$ 1,100,000	\$ 825,000	\$ 550,000	\$ -
Increase in Mil Rate: Dollars		\$0.28	\$0.41	\$0.55	\$0.83
Percentage		1.30%	1.95%	2.60%	3.89%



## City Council Information Sheet

City of Auburn

**Council Meeting Date:** February 22, 2016      **Ordinances 02-02222016 & 03-02222016**

**Author:** Zachary Lenhart, Coder Compliance Officer and Eric Cousens, Deputy Director of Planning and Development.

**Subject:** Amendments to the City of Auburn Code of Ordinances regarding housing and solid waste code violations

**Information:** The purpose of these amendments is to update and clarify ordinances frequently enforced by the Code Compliance Officers of Auburn. The effectiveness of code enforcement is sometimes hampered by ambiguities and limited scope of these outdated codes. These are common sense amendments that will help city officials make neighborhoods safer, cleaner, more attractive and over time raise property values.

The current Housing Code was adopted in 1967 and reflects housing standards of that time. In the recent past there have been multiple attempts to bring Auburn's housing maintenance code to more modern standards by adopting some form of the International Property Maintenance Code, a common maintenance code across the country also used by Lewiston. After much deliberation, public process, committee work and drafting a full property maintenance code multiple times, these efforts have come up short, presumably because the changes were viewed as too far reaching and past councils responded to public concerns by denying the changes. The proposed amendments described below are an attempt to make needed updates and clarifications to the almost 50 year old existing housing code. They are not far reaching but they will make a positive difference. There are two options provided to address poorly maintained surfaces, including peeling paint, as discussed at the workshop. Either one would be an improvement over the existing ordinance but staff recommends option 1.

On the day of trash collection, the City of Auburn's denser populated areas become unsightly due to the "mountains" of trash that are put out on the sidewalk and street. The garbage put out by the collective tenants of apartment buildings creates unattractive piles of plastic bags full of household trash. If put out too early or too late animals often tear into the bags and make the problem worse and create sanitation concerns. Bulky waste that is not collected by the City also becomes a problem when it remains illegally on the curb for an extended period of time. The proposed changes to the Solid Waste chapter attempt to better address these issues.

The off-street parking standards of the zoning ordinances that were discussed at the workshop are not included in the discussion tonight because they require a separate process including a Planning Board public hearing and recommendation for the change to be completed. That is in the works and we will bring it to the Council at a future meeting with the required recommendation.

**Advantages:** Safer, cleaner, more attractive neighborhoods. Increased property values. More efficient enforcement.

**Disadvantages:** Pushback from violators

**City Budgetary Impacts:** Increased collection of fines.

**Staff Recommended Action:** Discuss amendments and hear from the public. Vote to approve changes with or without any Council modifications.

**Previous Meetings and History:** February 8, 2016 Workshop

**Attachments:** Amendment Summary and Copy of proposed amendments, including options 1 and 2 for the Housing Code.

## ARTICLE IV. - HOUSING CODE

### DIVISION 1. - GENERALLY

#### Sec. 12-145. - Purpose.

The purpose of this article is to establish minimum standards for all dwellings and property incident thereto in the city to insure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

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

#### Sec. 12-146. - Definitions and rules of construction.

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

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

~~Housing inspector means the legally designated housing inspection authority of the city or his authorized representative.~~

Chief of police means the legally designated head of the police department of the city or his authorized representative.

Dwelling or dwelling unit means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

Fire chief means the legally designated head of the fire department of the city or his authorized representative.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

Health officer means the legally designated health authority of the city or his authorized representative.

Infestation means the presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other pests.



Manufactured housing means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site, the term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes as defined in city zoning regulations.

Mobile homes, older, means any factory-built home that fails to meet the definition of manufactured housing and more specifically, any mobile home constructed prior to June 15, 1976. These units shall be restrict to location in approved mobile home parks.

Mobile home park means a parcel of land under single ownership in rural residence, suburban residence and cluster development districts that has been planned and improved for the placement of not less than three mobile homes for non-transient use.

Multiple dwelling means any dwelling containing more than three dwelling units.

Occupant means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

Owner means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents , and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rooming house means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

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

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

Supplied means paid for, furnished, installed or provided by or under the control of the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

- (b) Whenever the words "dwelling," "dwelling unit," "lodging house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

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

Sec. 12-147. - Compliance required.

- (a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.
- (b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

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

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

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

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

Sec. 12-149. - Exceptions permitted.

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the ~~housing inspector~~Code Compliance Officer shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

- (1) It is not feasible or practicable to comply with such minimum standards;
- (2) The safety, health, or general welfare of the occupants and the public will not be adversely affected; and
- (3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

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

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

- (a) The ~~housing inspector~~Code Compliance Officer shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.
- (b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the

original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

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

Secs. 12-151—12-169. - Reserved.

## DIVISION 2. - INSPECTIONS

Sec. 12-170. - Authority of ~~housing inspector~~ Code Compliance Officer.

The ~~housing inspector~~ Code Compliance Officer is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

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

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

For the purpose of making such inspections, the ~~housing inspector~~ Code Compliance Officer is hereby authorized to enter, examine, and survey any or all dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection.

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

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

- (a) Access of ~~housing inspector~~ Code Compliance Officer. The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the ~~housing inspector~~ Code Compliance Officer free access to such dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time for the purpose of such inspection, examination, or survey, but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey.
- (b) Access of owner. Every occupant of a dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the provisions of this article or any lawful order issued pursuant to this article.

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

Secs. 12-173—12-194. - Reserved.

## DIVISION 3. - ENFORCEMENT

Sec. 12-195. - Procedure generally.

- (a) If the ~~housing inspector~~ Code Compliance Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.
- (b) Any notice issued pursuant to this article shall:
  - (1) Be in writing;
  - (2) Include a statement of the reasons why it is being issued;
  - (3) Set a reasonable time for the performance of any act it requires;
  - (4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:
    - a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or
    - b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and
    - c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of ~~the housing inspector~~ Planning and Development.
  - (5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.
- (c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the ~~housing inspector~~ Code Compliance Officer that such corrective action has been taken.

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

Sec. 12-196. - Method of petitioning for hearing.

- (a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.
- (b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.
- (c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.
- (d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

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

Sec. 12-197. - Power of board of appeals to alter notice.

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

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

Sec. 12-198. - Recording of public hearing.

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

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

Sec. 12-199. - Notice of intent to sell, transfer or rent property subject to order.

- (a) When required. Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the ~~housing inspector~~ Code Compliance Officer, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the ~~housing inspector office of Planning and Development~~ in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.
- (b) Penalty. Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than \$50 and not more than \$100 to be enforced by complaint in a court of competent jurisdiction.

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

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

- (a) Authority of ~~housing inspector~~ Code Compliance Officer. If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the ~~housing inspector~~ Code Compliance Officer, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the ~~housing inspector~~ Code Compliance Officer.
- (b) Procedure. To placard, the ~~housing inspector~~ Code Compliance Officer shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the ~~housing inspector~~ Code Compliance Officer may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.
- (c) Use of placarded buildings prohibited. No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the ~~housing inspector~~ Code Compliance Officer.

Compliance Officer. The ~~housing inspector~~ Code Compliance Officer shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.

- (d) Defacement and removal of placard prohibited. No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

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

Sec. 12-201. - Order to vacate dangerous premises.

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing, ~~filed in the office of the housing inspector,~~ that extreme danger or menace to the occupants or the public health exists, the ~~housing inspector~~ Code Compliance Officer, health officer, fire chief, and chief of police, or their duly qualified deputies may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

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

Secs. 12-202—12-224. - Reserved.

#### DIVISION 4. - MINIMUM STANDARDS

Sec. 12-225. - Compliance with city codes and state law required.

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

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

Sec. 12-226. - Maintenance.

All structures and structural elements shall be maintained structurally sound, in good repair, free from chipping and peeling paint, hazard free and suitable for the intended use. Exterior surfaces shall be weather tight, protected from corrosion, and suitable for the intended use.

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

Sec. 12-227. - Plumbing.

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin. All plumbing facilities required by this code shall be in accordance with the requirements of the plumbing code adopted by the City as of date of installation and maintained in good sanitary working condition; water-related plumbing facilities required by this Code shall be connected to adequate supply of water.

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

Sec. 12-228. - Heating and ventilation.

- (a) Maintenance. All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.
- (b) Requirements when central heating plant not available. When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.
- (c) Heating facilities required in rented or leased premises. Every habitable room, let for occupancy, ~~excepting rooms use primarily for sleeping purposes~~, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of ~~three feet above floor level~~ 3 feet from the exterior walls, 5 feet above floor level, as required by prevailing weather conditions ~~from September 15 through May 15 of each year. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.~~
- (d) Window specifications. Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed and maintained so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

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

Sec. 12-229. - Electrical and lighting.

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

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

Sec. 12-230. - Passageways, stairways and exits.

- (a) Exits. Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.
- (b) Lighting. Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.
- (c) Obstructions. Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.

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

Sec. 12-231. - Garbage and rubbish.



- (a) Method of disposal. Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.
- (b) Accumulations prohibited. Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the ~~housing inspector~~Code Compliance Officer may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

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

Sec. 12-232. - Insect and rodent control.

- (a) Owner responsible for extermination in multiple dwellings. If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- (b) Occupant responsible for extermination. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

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

Sec. 12-233. - Space and occupancy.

- (a) Floor space requirements. The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.
- (b) Ceiling height. At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (c) Use of basement. No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

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

Sec. 12-234. - Dwelling occupancies prohibited adjacent to hazardous establishments.

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in any quantity that may endanger the lives or safety of the occupants.

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



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Occupant means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

Owner means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents , and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rooming house means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

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

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

Supplied means paid for, furnished, installed or provided by or under the control of the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

- (b) Whenever the words "dwelling," "dwelling unit," "lodging house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

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

Sec. 12-147. - Compliance required.

- (a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.
- (b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

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

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

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

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

Sec. 12-149. - Exceptions permitted.

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the ~~housing inspector~~Code Compliance Officer shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

- (1) It is not feasible or practicable to comply with such minimum standards;
- (2) The safety, health, or general welfare of the occupants and the public will not be adversely affected; and
- (3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

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

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

- (a) The ~~housing inspector~~Code Compliance Officer shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.
- (b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the

original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

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

Secs. 12-151—12-169. - Reserved.

## DIVISION 2. - INSPECTIONS

Sec. 12-170. - Authority of ~~housing inspector~~ Code Compliance Officer.

The ~~housing inspector~~ Code Compliance Officer is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

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

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

For the purpose of making such inspections, the ~~housing inspector~~ Code Compliance Officer is hereby authorized to enter, examine, and survey any or all dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection.

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

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

- (a) Access of ~~housing inspector~~ Code Compliance Officer. The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the ~~housing inspector~~ Code Compliance Officer free access to such dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time for the purpose of such inspection, examination, or survey, but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey.
- (b) Access of owner. Every occupant of a dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the provisions of this article or any lawful order issued pursuant to this article.

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

Secs. 12-173—12-194. - Reserved.

## DIVISION 3. - ENFORCEMENT

Sec. 12-195. - Procedure generally.

- (a) If the ~~housing inspector~~ Code Compliance Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.
- (b) Any notice issued pursuant to this article shall:
  - (1) Be in writing;
  - (2) Include a statement of the reasons why it is being issued;
  - (3) Set a reasonable time for the performance of any act it requires;
  - (4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:
    - a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or
    - b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and
    - c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of ~~the housing inspector~~ Planning and Development.
  - (5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.
- (c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the ~~housing inspector~~ Code Compliance Officer that such corrective action has been taken.

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

Sec. 12-196. - Method of petitioning for hearing.

- (a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.
- (b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.
- (c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.
- (d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

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

Sec. 12-197. - Power of board of appeals to alter notice.

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

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

Sec. 12-198. - Recording of public hearing.

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

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

Sec. 12-199. - Notice of intent to sell, transfer or rent property subject to order.

- (a) When required. Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the ~~housing inspector~~ Code Compliance Officer, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the ~~housing inspector~~ office of Planning and Development in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.
- (b) Penalty. Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than \$50 and not more than \$100 to be enforced by complaint in a court of competent jurisdiction.

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

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

- (a) Authority of ~~housing inspector~~ Code Compliance Officer. If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the ~~housing inspector~~ Code Compliance Officer, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the ~~housing inspector~~ Code Compliance Officer.
- (b) Procedure. To placard, the ~~housing inspector~~ Code Compliance Officer shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the ~~housing inspector~~ Code Compliance Officer may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.
- (c) Use of placarded buildings prohibited. No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the ~~housing inspector~~ Code Compliance Officer.

Compliance Officer. The ~~housing inspector~~ Code Compliance Officer shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.

- (d) Defacement and removal of placard prohibited. No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

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

Sec. 12-201. - Order to vacate dangerous premises.

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing, ~~filed in the office of the housing inspector,~~ that extreme danger or menace to the occupants or the public health exists, the ~~housing inspector~~ Code Compliance Officer, health officer, fire chief, and chief of police, or their duly qualified deputies may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

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

Secs. 12-202—12-224. - Reserved.

#### DIVISION 4. - MINIMUM STANDARDS

Sec. 12-225. - Compliance with city codes and state law required.

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

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

Sec. 12-226. - Maintenance.

All structures and structural elements shall be maintained structurally sound, in good repair, free from substantial chipping and peeling paint, hazard free and suitable for the intended use. Exterior surfaces shall be weather tight, protected from corrosion, and suitable for the intended use.

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

Sec. 12-227. - Plumbing.

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin. All plumbing facilities required by this code shall be in accordance with the requirements of the plumbing code adopted by the City as of date of installation and maintained in good sanitary working condition; water-related plumbing facilities required by this Code shall be connected to adequate supply of water.



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

Sec. 12-228. - Heating and ventilation.

- (a) Maintenance. All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.
- (b) Requirements when central heating plant not available. When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.
- (c) Heating facilities required in rented or leased premises. Every habitable room, let for occupancy, ~~excepting rooms use primarily for sleeping purposes,~~ shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of ~~three feet above floor level~~ 3 feet from the exterior walls, 5 feet above floor level, as required by prevailing weather conditions, ~~from September 15 through May 15 of each year. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.~~
- (d) Window specifications. Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed and maintained so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

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

Sec. 12-229. - Electrical and lighting.

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

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

Sec. 12-230. - Passageways, stairways and exits.

- (a) Exits. Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.
- (b) Lighting. Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.
- (c) Obstructions. Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.

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

Sec. 12-231. - Garbage and rubbish.



- (a) Method of disposal. Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.
- (b) Accumulations prohibited. Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the ~~housing inspector~~Code Compliance Officer may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

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

Sec. 12-232. - Insect and rodent control.

- (a) Owner responsible for extermination in multiple dwellings. If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- (b) Occupant responsible for extermination. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

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

Sec. 12-233. - Space and occupancy.

- (a) Floor space requirements. The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.
- (b) Ceiling height. At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (c) Use of basement. No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

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

Sec. 12-234. - Dwelling occupancies prohibited adjacent to hazardous establishments.

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in any quantity that may endanger the lives or safety of the occupants.

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

## Chapter 12, Article IV – Housing Code; Summary of Proposed Amendments.

The purpose of these proposed amendments is to update and clarify the existing Housing Code. The current Housing Code was adopted in 1967 and reflects housing standards of that time. The effectiveness of code enforcement is sometimes hampered by ambiguities and limited scope of the outdated code. In the recent past there have been multiple attempts to bring Auburn's housing maintenance code to more modern standards by adopting some form of the International Property Maintenance Code, a common maintenance code across the country also used by Lewiston. After much deliberation these efforts have come up short, presumably because the changes were viewed as too big. The proposed amendments are an attempt to make needed updates and clarifications to the almost 50 year old existing housing code.

There are two amendment drafts for the Council to consider. The only difference between the two drafts is the word "substantial" is included in Draft 2 in regards to chipping and peeling paint.

### All Sections

The term "Housing inspector" is deleted from the definitions and is replaced with "Code Compliance Officer", and "Office of Housing inspector" is replaced with "Office of Planning and Development".

### Sec. 12-146 – Definitions.

Definition for "Structural Elements" added to clarify "Sec.12-226 – Maintenance" which references the term. Currently there is ambiguity in what is meant by "structural elements".

### Sec.12-226 – Maintenance.

The phrase "free from chipping and peeling paint" has been added to the ordinance, it is a common phrase used in other housing codes. (Draft 2 reads: "free from substantial chipping and peeling paint") Paint that is chipping and peeling is no longer providing protection from deterioration, is dangerous to inhabitants and neighbors if it contains lead, and is generally an eyesore that brings property values down.

"Exterior surfaces shall be weather tight, protected from corrosion, and suitable for the intended use" was added to allow code enforcement to more directly address situations such as roof leaks, window leaks, and deficiencies in the building envelope. This would also prevent buildings from having only house wrap with no finished siding, as house wrap is not intended as a standalone weather barrier.

### Sec.12-227 – Plumbing

The requirement to maintain plumbing facilities was inexplicably left out during a previous re-codification. The proposed amendment puts it back in.

### Sec.12-228 – Heating and Ventilation

c) Exception for sleeping room and dates of enforcement are removed, location for temperature measurement is changed, and the requirement to prevent the building from freezing is added. All of these changes make the ordinance more compatible with the State law regulating heating levels.

d) The phrase "and maintained" is added so windows that are required to be operable at installation must be maintained as operable as well. Sometimes windows get painted over, nailed shut, or otherwise modified so that they no longer open. This would be particularly concerning if the window were required for egress.

James Pross, Ward One  
Robert Stone, Ward Two  
Andy Titus, Ward Three  
Ernestine Gilbert, Ward Four



Jonathan P. LaBonte, Mayor

Leroy Walker, Ward Five  
Grady R. Burns, At Large  
David C. Young, At Large

## IN CITY COUNCIL

### ORDINANCE 02-02222016 (draft 1)

Be it ordained by the Auburn City Council, that Chapter 20, Article IV – Housing Code be amended as shown on the attached draft dated February 17, 2016 and labeled as “Draft 1”.

James Pross, Ward One  
Robert Stone, Ward Two  
Andy Titus, Ward Three  
Ernestine Gilbert, Ward Four



Jonathan P. LaBonte, Mayor

Leroy Walker, Ward Five  
Grady R. Burns, At Large  
David C. Young, At Large

## IN CITY COUNCIL

### ORDINANCE 02-02222016 (draft 2)

Be it ordained by the Auburn City Council, that Chapter 20, Article IV – Housing Code be amended as shown on the attached draft dated February 17, 2016 and labeled as “Draft 2”.



## City Council Information Sheet

City of Auburn

**Council Meeting Date:** February 22, 2016      **Ordinances 02-02222016 & 03-02222016**

**Author:** Zachary Lenhart, Coder Compliance Officer and Eric Cousens, Deputy Director of Planning and Development.

**Subject:** Amendments to the City of Auburn Code of Ordinances regarding housing and solid waste code violations

**Information:** The purpose of these amendments is to update and clarify ordinances frequently enforced by the Code Compliance Officers of Auburn. The effectiveness of code enforcement is sometimes hampered by ambiguities and limited scope of these outdated codes. These are common sense amendments that will help city officials make neighborhoods safer, cleaner, more attractive and over time raise property values.

The current Housing Code was adopted in 1967 and reflects housing standards of that time. In the recent past there have been multiple attempts to bring Auburn's housing maintenance code to more modern standards by adopting some form of the International Property Maintenance Code, a common maintenance code across the country also used by Lewiston. After much deliberation, public process, committee work and drafting a full property maintenance code multiple times, these efforts have come up short, presumably because the changes were viewed as too far reaching and past councils responded to public concerns by denying the changes. The proposed amendments described below are an attempt to make needed updates and clarifications to the almost 50 year old existing housing code. They are not far reaching but they will make a positive difference. There are two options provided to address poorly maintained surfaces, including peeling paint, as discussed at the workshop. Either one would be an improvement over the existing ordinance but staff recommends option 1.

On the day of trash collection, the City of Auburn's denser populated areas become unsightly due to the "mountains" of trash that are put out on the sidewalk and street. The garbage put out by the collective tenants of apartment buildings creates unattractive piles of plastic bags full of household trash. If put out too early or too late animals often tear into the bags and make the problem worse and create sanitation concerns. Bulky waste that is not collected by the City also becomes a problem when it remains illegally on the curb for an extended period of time. The proposed changes to the Solid Waste chapter attempt to better address these issues.

The off-street parking standards of the zoning ordinances that were discussed at the workshop are not included in the discussion tonight because they require a separate process including a Planning Board public hearing and recommendation for the change to be completed. That is in the works and we will bring it to the Council at a future meeting with the required recommendation.

**Advantages:** Safer, cleaner, more attractive neighborhoods. Increased property values. More efficient enforcement.

**Disadvantages:** Pushback from violators

**City Budgetary Impacts:** Increased collection of fines.

**Staff Recommended Action:** Discuss amendments and hear from the public. Vote to approve changes with or without any Council modifications.

**Previous Meetings and History:** February 8, 2016 Workshop

**Attachments:** Amendment Summary and Copy of proposed amendments, including options 1 and 2 for the Housing Code.

## Chapter 44 - SOLID WASTE<sup>[1]</sup>

Footnotes:

--- (1) ---

**State Law reference—** Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. § 1301 et seq.; Maine Refuse Disposal District Enabling Act, 38 M.R.S.A. § 1726-A et seq.; solid waste management and recycling, 38 M.R.S.A. § 2101 et seq.; municipal recycling, 38 M.R.S.A. § 2133; municipal landfill fees, 38 M.R.S.A. § 2204; municipal authority to abate nuisances, 30-A M.R.S.A. § 3104; municipal acquisition of public dumping grounds, 30-A M.R.S.A. § 3351; prohibited dumping, 30-A M.R.S.A. § 3352.

### ARTICLE I. - IN GENERAL

#### Sec. 44-1. - 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:

Commercial activity means any property or service provider, which is required and/or has received a license from the city to conduct business and/or a structure used for commercial or business purposes including, but not limited to, the following:

- (1) Hotels, motels, bed and breakfast facilities, restaurants, warehouses;
- (2) Markets, bakeries, grocery stores, food vendors;
- (3) Manufacturing or industrial facilities;
- (4) Business offices;
- (5) Any business establishment adjoining or within a residential structure;
- (6) Trailer parks and manufactured home parks; and
- (7) Condominiums.

Commercial waste means solid waste generated by a commercial property or as a result of commercial activity.

Multiple-unit apartment building means an apartment building of four or more dwelling units.

Owner means the actual owner of the building. The term "owner" does not include any legal entity, including, but not limited to, a limited liability company, a limited liability partnership, or a limited partnership or a corporation.

Residential properties means any property, located in the city, upon which is situated a residential structure containing between one and three dwelling units and/or owner-occupied apartment buildings containing between four and seven dwelling units. To qualify as an owner-occupied apartment building, the owner would need to demonstrate through ownership documents and vehicle registration, driver's license or some other acceptable forms that he does in fact own the building and resides at that address.

(Ord. of 11-3-2003, § A)

Secs. 44-2—44-20. - Reserved.

## ARTICLE II. - WASTE COLLECTION AND DISPOSAL

Sec. 44-21. - Residential collection; fees.

- (a) The city will provide for the collection of solid waste and recyclable material from all residential properties as defined herein. Fees for residential waste collection shall be in accordance with city costs on a per unit basis.
- (b) Occupants of residential properties that receive city waste collection shall utilize suitable containers for the storage, transportation and disposal of solid waste. This includes all solid waste placed curbside for disposal. The weight of solid waste placed in each suitable container shall not exceed 30 pounds.
- (c) All residents who live in residential structures receiving city waste collection shall separate recyclable material from their rubbish. Recyclable material must either be transported to the facility or be placed in suitable recycling containers for curbside collection.
- (d) Recyclable material and solid waste are to be set curbside no earlier than 6:00 p.m. of the day preceding regularly scheduled waste collection and no later than 7:00 a.m. of the day of waste collection as established by public works.

(Ord. of 11-3-2003, § B)

Sec. 44-22. - Collection from apartment buildings; fees.

- (a) The city will collect solid waste and recyclable material from multiple unit apartment buildings for only those buildings owned by applicants who complete, submit and receive approval of an application to continue this service.
- (b) All residential properties containing four to seven units, excluding owner-occupied, will be assessed a fee per unit for solid waste and recycling collection and disposal. To qualify for owner-occupied exemption the applicant must show proof of building residency. Fees per unit will be assessed and billed in accordance with the city's billing and collection policy. Failure to pay fee will result in termination of service. The city may adjust the fee annually to reflect city's costs.

(Ord. of 11-3-2003, § C)

Sec. 44-23. - Commercial collection excluded.

Solid waste and recyclable material will not be collected by the city from any commercial activity or property.

(Ord. of 11-3-2003, § C)

Sec. 44-24. - Time for setting out waste for collection.

No person shall put out waste for collection sooner than 6:00 p.m. on the day preceding the date on which waste is collected by the city in such location, and no person shall allow any waste containers to remain on any street or sidewalk for more than 24 hours after the collection of waste has been completed.

Waste must be out for collection no later than 7:00 a.m. of the day on which waste is collected by the city in such location.

(Code 1967, § 22-3.1)

Sec. 44-25. - Standards for waste containers.

No person shall put out waste, including garbage, for collection by the city except in suitable, durable containers covered by a tight fitting cover ~~or~~ and securely closed plastic bags designed for trash disposal, which are:

- (1) Watertight and flytight;
- (2) Free from sharp edges and not exceeding 30 pounds in weight, including contents; and
- (3) No larger than 33 gallons in capacity.

(Code 1967, § 22-3.3)

Sec. 44-26. - Types of waste collected by city.

No person shall put out waste for collection by the city other than household waste, except that waste from construction repairs or household waste which is too large to fit inside standard containers may be put out for collection by special permission of the public works director.

(Code 1967, § 22-3.4)

Sec. 44-27. - Collection of leaves and yard waste.

The term "household waste," includes leaves, grass cuttings, weeds, branches and the like. Such materials, not to exceed four containers per week, must be contained, and branches and prunings shall not exceed two inches in diameter and 24 inches in length.

(Code 1967, § 22-3.5)

Sec. 44-28. - Disposal of ashes.

No person shall put out hot ashes for collection, and all ashes put out for collection shall be separated from all other kinds of waste and secured in a closed container.

(Code 1967, § 22-3.6)

Sec. 44-29. - Duties of landlords.

Every owner of rental property shall provide his tenants with a sufficient number of durable waste containers with lids meeting the requirements of section 44-25 to meet their normal weekly requirements for waste disposal. Such containers shall be stored in a sightly manner on the premises at locations reasonably accessible to the tenants at all times when not legally upon the street or sidewalk for collection.

(Code 1967, § 22-3.7)



Sec. 44-30. - Right of city to refuse to collect certain waste.

The city may refuse to accept for collection any waste which has been put out for collection in a manner which does not comply with the requirements of sections 44-24 through 44-28, including sharp objects which could protrude from waste containers, such as broken glass and other sharp objects such as razors, hypodermic needles, etc., which materials shall be contained in a puncture-resistant container. The owner of such waste shall transport it or cause it to be transported to the municipal solid waste disposal facility at his own expense.

(Code 1967, § 22-3.8)

Sec. 44-31. - Unauthorized removal of waste set out for collection.

No unauthorized person shall remove any garbage or waste or any portion of any garbage or waste that has been placed for collection by the city.

(Code 1967, § 22-3.9)

Sec. 44-32. - Accumulations of refuse.

No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

(Code 1967, § 25-2.1)

Sec. 44-33. - Transporting offensive substances.

No person shall carry or convey through any street or public place any substance or any package or bag containing any substance in such a manner that it drips, leaks or drops and emits odors, or is offensive, nor shall such a conveyance or containers be left standing in any street or any public place.

(Code 1967, § 25-2.2)

Sec.44-34 – Owners duty to inspect and remove waste

The owner of land and the person(s) in possession of such land abutting a city street or public easement have an affirmative obligation to inspect those portions of their property which have such frontage and to promptly remove or dispose of, in a manner consistent with this chapter, any waste material found in or along such property. The owner of, and any person having responsibility for, property abutting the area of the street, sidewalk, or property where waste material has been deposited shall be presumed to have deposited same and shall be liable for violations of this chapter in the absence of evidence to the contrary. Notwithstanding the aforesaid, any owner of and/or any person having responsibility for property abutting the area of the street where any waste materials has been deposited in violation of this chapter shall remove the waste materials and dispose the waste material as required.

Sec.44-35 – Penalties

Due to the public nuisance and threat to public health created by the presence of waste material on or near city streets (i.e. on or near public ways), the chief of police, the director of Planning and Development or their designees are authorized to fine violators, without any prior notification, in accordance with this section. Violation of any part of this chapter, including failure to utilize suitable containers as described, shall be considered a violation of this chapter, and shall be subject to penalties as described : Violators of any provisions of this chapter shall for the first offense receive a of one-hundred and five dollars (\$105), plus accrued interest, attorney's fees and court costs. A second violation or any subsequent violations occurring within six months of a previous violation shall result in a fine(s) of two-hundred and ten dollars (\$210), plus accrued interest, attorney's fees and court costs. In addition, where in the opinion of the superintendent the volume of waste material is considered excessive and or if the waste material is other than solid waste the minimum fine shall also include all costs of collection, transportation and disposal. No contract or agreement between the owner or operator and the occupant relating to the compliance with the terms of this article shall be effective in relieving any person of the responsibility for compliance with the provisions of this chapter as described.

Secs. 44-~~34~~36—44-54. - Reserved.

#### ARTICLE III. - RECYCLING STANDARDS

Secs. 44-55—44-83. - Reserved.

#### ARTICLE IV. - WASTE DISPOSAL FACILITIES

Sec. 44-84. - Designation of place.

The city manager shall designate a place as a public waste facility for the depositing of rubbish, ashes, cinders, tin cans, junk, and other household or commercial or industrial waste or refuse, and no person shall deposit such materials elsewhere than at such designated facility.

(Code 1967, § 25-2.3)

Sec. 44-85. - Unauthorized removal of materials.

It shall be unlawful for any person to take any materials of any kind or nature from or about any waste disposal facility without a permit from the city manager.

(Code 1967, § 25-2.6)

Sec. 44-86. - Regulations for use.

Use of any waste disposal facility shall be governed by this article and by such regulations not inconsistent with the provisions of this article as the city manager may establish for this purpose. Notice of any such regulations shall be given by publication in a local newspaper and by conspicuous posting at the

site of any waste disposal facility. The term "waste disposal facility," for purposes of this article, includes the waste facility located on Goldthwaite Road.

(Code 1967, § 25-2.7)

Sec. 44-87. - Fees for use of waste disposal facilities.

- (a) The city manager may levy fees in accordance with a schedule adopted by Mid Maine Waste Action Corporation for disposal of nonresidential solid waste at the energy recovery plant upon those persons who generate such waste. The fees assessed shall also include the city's cost of administering the billing process.
- (b) For purposes of this subsection (b), the term "nonresidential solid waste" means all industrial and commercial waste, including waste from multiunit apartment buildings in common ownership consisting of eight or more dwelling units.
- (c) Contractors and utilities with prior credit approval will be billed on a monthly basis for services provided.
- (d) Interest shall be due upon any disposal fees which remain unpaid for more than 30 days from the date of billing. The rate of interest shall be the same as that which has been currently established for unpaid municipal property taxes and may be amended from time to time by the city council.

(Code 1967, §§ 25-2.8, 25-2.9)

## Chapter 44 – Solid Waste; Summary of Proposed Amendments.

On the day of trash collection, the City of Auburn's denser populated areas become very unsightly because of the "mountains" of trash that are put out on the sidewalk and street. The garbage put out by the collective tenants of larger apartment buildings inevitably ends up creating unattractive piles of plastic bags full of household trash. Bulky waste not collected by the City also becomes a problem when it remains illegally on the curb for an extended period of time. The proposed changes to the Solid Waste chapter attempt to address these issues.

### Sec. 44-25 – Standards for waste containers.

"Or" is changed to "and". This change would require household trash put to the curb for collection to be in both a plastic trash bag and a durable container as opposed to either/or, eliminating the piles of plastic trash bags.

### Sec. 44-89 – Duties of landlords.

"Durable" and "with lids" is added to clarify that landlords are required to supply durable trash cans to their tenants. Currently the ordinance is ambiguous as to whether *just* plastic trash bags are acceptable. This will prevent the piles of trash bags in front of apartment buildings.

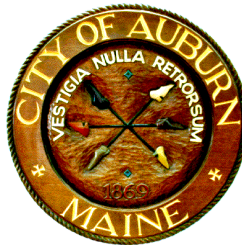
### Sec. 44-34 – Owners duty to inspect and remove waste

This proposed ordinance makes it clear that property owners are ultimately responsible for waste accumulating on, or in front of, their property. It is common for landlords to claim the responsibility for compliance rests with their tenants. This situation doesn't work because often the tenant responsible for the violation no longer lives there (often bulky waste is left when tenants move) and it isn't feasible for the city to "chase them down".

### Sec. 44-35 – Penalties

This ordinance is to resolve waste violations in a faster time frame. A large problem of enforcing ordinances related to trash and debris is the amount of time the Notice and Citation process can take. A written Notice must be sent through "snail mail", essentially a written warning, before any fines are issued. Meanwhile the offending trash continues to effect tenants and neighbors. This ordinance would allow the City to collect the offending trash and fine a property owner without the requirement of a written warning for violations of the Solid Waste chapter. Waste violations should be resolved much faster.

James Pross, Ward One  
Robert Stone, Ward Two  
Andy Titus, Ward Three  
Ernestine Gilbert, Ward Four



Jonathan P. LaBonte, Mayor

Leroy Walker, Ward Five  
Grady R. Burns, At Large  
David C. Young, At Large

## IN CITY COUNCIL

### ORDINANCE 03-02222016

Be it ordained by the Auburn City Council, that Chapter 44, Solid Waste be amended as shown on the attached draft dated February 17, 2016.

**THE FOLLOWING  
INFORMATION IS  
PROVIDED BY  
COUNCILOR  
LEROY WALKER  
AUBURN WARD 5**

## LEWISTON/AUBURN 9-1-1 COMMITTEE

### MINUTES

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Date: Thursday, December 17, 2015  
Time: 0800  
Location: LEWISTON/AUBURN 9-1-1, 552 Minot Avenue Auburn, Maine 04210

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#### 1. ROLL CALL:

- A. Present: Chief Paul LeClair, Chief Frank Roma, Deputy Chief Brian O'Malley, Finance Director Heather Hunter, Pat Mador, Esq., Dr. Tammie Willoughby, Chief Phil Crowell, Councilor Leroy Walker
- B. Staff: Director Phyllis Gamache, Systems Manager Drew McKinley, Secretary Kristal Goff
- C. Guest: Deputy City Administrator Phil Nadeau
- D. Absent: Chief Michael Bussiere, Councilor Donald D'Auteuil

#### 2. OPEN SESSION:

- A. Meeting called to order at 08:03 a.m.
  - i. Motion made by Ms. Mador, Esq. to move into Executive Session.
  - ii. Seconded by Dr. Willoughby.
  - iii. Motion passes.
- B. Regular session called to order at 08:18 a.m.
  - i. Chief LeClair entertains a motion to approve the Collective Bargaining Agreement.
    - 1. Ms. Mador, Esq. moves to accept the language of the contract, subject to union approval, authorizing the Director to sign including any non-substantive changes as noted in the summary.
    - 2. Seconded by Chief Roma.
    - 3. Motion passes.
  - ii. Finance Director Hunter makes a motion to approve the minutes from 11/12/15.
  - iii. Seconded by Ms. Mador, Esq.
  - iv. Motion passes.
  - v. *Financial Report*
  - vi. The medical exams line item is over budget because of series of "Fitness for Duty" exams.
  - vii. Insurances are high, but everything that needs to be paid has been paid.
  - viii. Communication Equipment is on the higher end but that is due to approved purchases from the fund balances. We are looking at ways to reflect the approved purchases without appearing over budget. Secretary Goff will be meeting with Finance Director Hunter directly following today's meeting to discuss.
  - ix. The joint agencies need their budget submitted by 1/22/16.
    - 1. Motion made by Finance Director Hunter to accept the financial report.
    - 2. Seconded by Deputy Chief O'Malley.
    - 3. Motion passes.

#### C. *Director's Report*

- i. Freda Keyser has been rehired after returning from Colorado. Her husband has recently been discharged from active duty. She is taking calls and doing very well. She needs a few license recertifications but will otherwise be "plug-and-play" within 10 days.
- ii. New hire, Erin Griffin, comes to us with no dispatch experience. She is the daughter of LPD officer Patrick Griffin.
- iii. Timothy Lare has been promoted to TC4 Supervisor.
- iv. With Tim Lare's promotion comes the need to hire for a TC3. Currently, two internal candidates have expressed interest.
- v. EMD protocols are currently used by the Center for medical calls. They are scripted and employees are not allowed to deviate from those scripts. One hundred calls per month are reviewed by the EMD Quality team. These protocols can stymie a seasoned dispatcher but are useful to less experienced dispatchers.
- vi. Fire protocols will be incorporated by the end of next year. Standardization can be good, but some believe the protocols slow down the process. We don't currently have a choice on whether or not we implement them.
- vii. Police protocols will soon be coming down the pipeline.
  - 1. Chief Crowell requests that Director Gamache send the language on the police protocols.

#### D. RFP Discussion

- i. Director Gamache is currently working with Jack Hart, the consultant from TUSA. She is concerned that if we go with a broad RFP, vendors might find it too labor intensive. Director Gamache suggests taking UHF completely off the table and move forward with an advanced, simulcast VHF system RFP. This should still slightly improve building saturation.
  - 1. Chief LeClair supports this suggestion.
  - 2. Deputy Chief O'Malley asks if that is the direction the Center moves, will we be able to eventually move to UHF?
    - a. Director Gamache replied that we may still need to do another upgrade in the future. In the past, it is a 3-5 year window if the FCC standards change that we are required to follow suit. Shelf-life of this system is most likely shorter than the 20 year system we are currently updating; it's unlikely the Center will go another 20 years without a major upgrade.
  - 3. Director Gamache requests a motion to move forward with a VHF system RFP.
    - a. Deputy Chief O'Malley makes a motion.
    - b. Seconded by Dr. Willoughby.
    - c. Motion passes.

#### E. Systems Manager Update

- i. IMC upgrade will be occurring in the next few weeks. It will require a little downtime at 4 a.m. one morning.
  - 1. The upgrades that are taking place are at no cost.
- ii. Budget requests for FY17 will be submitted to Director Gamache.
- iii. Marty Fournier has taken a new position as Director of ASO. He'll be starting Monday.
  - 1. L/A 911 isn't sure what kind of impact this change will have on the Center.
    - a. There has been discussion of a new CAD system.



- b. Systems Manager McKinley will be doing a "Meet and Greet" with Director Fournier.
- iv. ASO is still being billed for service fees and licensing. No anticipation of any changes for data sharing. Jail records will need to be maintained.
- v. Keystone is now backed up on a new server. We will be billing out portions of the cost.
  - 1. Finance Director Hunter asks if we bill agencies for storage, redundancy, upgrades, etc?
    - a. Systems Manager McKinley isn't sure how we would bill that.
    - b. Chief Crowell suggests that with all the changes the ASO has had, and the fee structure for dispatch they already have in place, we need to make sure those funds are coming from the fees.
    - c. Finance Director Hunter suggests a join agency agreement be drawn up with ASO for upgrades and services.
      - i. Chief LeClair and Director Gamache will make an appointment to meet with the Administrator.

F. *Public Comment*

- i. Secretary Goff remarks that Director Gamache and Accreditation Manager Goff attended the November CALEA conference. The Center has been reaccredited with no conditions. Our next on-site will be December 2017. We will not be switching to PowerDMS until after that on-site.
- ii. Next meeting will be Tuesday, January 26, 2016. Election of Officers will take place at that time.

G. Adjournment at 08:58 a.m.

New Auburn  
Neighborhood Watch Committee

Meeting Minutes

December 17, 2015

6:00PM

Attendees: Leroy Walker, Lieu. Harrington

1. Meeting opened at 6:00 PM
2. Attendances: 17
3. Lieu. Harrington recapped the agenda hand outs
4. It's the holiday season. **BE VIGILANT! DESPERATE PEOPLE DO DESPERATE ACTS!** Keep car and house doors locked. Keep your packages covered in your vehicles or keep them in your trunk. Home deliveries are being stolen from porches and stoops. Have packages delivered to your work or to a neighbor, or relative whom may be home.
5. A package was stolen from a residence on Laurel Ave. 12/17. A tip was taped to a trash can lid on Merrill St and it stolen.
6. Thank-You for donating to the PAL Center. By a show of hands, the gifts you donated at the meeting will be taken to the PAL Center and distributed to families in need. Thank-You for those much needed gifts!
7. Magnets were passed out from Auburn P.D. Contact information on them. If you received more than one, pass it along.
8. Back to vehicle break-ins... Take care of your fire arms. Lock them in glove box or better yet, place them in your trunk. Most car break-ins don't include opening up the trunk.
9. Social Security scam is going around. **SS will not call to inform you that you owe money!**
10. With the recent lead in the water, someone is going door to door saying they are from the lab to test your water. **This is a scam!**
11. The corners of Riverside Drive and Brook St is missing their NO PARKING sign. It needs to be replaced.
12. Gang is gone from Newberry St.
13. Request to thank Parking Enforcement for doing a good job with Laurel Ave.
14. Please use your cross walks where ever possible. **VERY IMPORTANT!** When out walking early morns and eves, wear reflective clothing for your safety. Someone mentioned the biggest concern was for the pedestrians in the YMCA area.
15. The topic of ISIS was approached, and Lieu. Harrington assured theta so far we haven't had any problems in our area. The Police Dept. does anti-terrorist training and also mass shooting training. They keep aware of the surroundings yet try to keep daily life the same as possible.
16. Leroy went through the Planning and Conducting Meetings of New Auburn Neighborhood Watch Group.

17. Our meeting for January will be held Jan 28<sup>th</sup> at the church on 3<sup>rd</sup> St at 6:30. We will be using the upper side entrance. We will no longer be meeting at the Tailgate Gourmet for it is moving to Lewiston.
18. Looking to have joint neighborhood watch meeting on Feb 25<sup>th</sup> at either Walton or Sherwood Heights. Confirmation will come at Jan meeting. Hoping to bring up the topic of grants and what we could use the money for. Citizens Police has a vehicle that is used to patrol the neighborhood and grant money could possibly buy another vehicle and definitely used to the up keep of this vehicle so that the Police department doesn't have to be responsible for it.
19. Go to [RAIDSonline.com](http://RAIDSonline.com) for neighborhood meeting info.
20. Again, introduced yourself to a neighbor and invite them to a meeting.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services



**TO: Howard Kroll, City Manager**  
**FROM: Jill Eastman, Finance Director**  
**REF: January 2016 Financial Report**  
**DATE: February 16, 2016**

The following is a discussion regarding the significant variances found in the City's January financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its seventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 58.3% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

### **Revenues**

Revenues collected through January 31st, including the school department were \$40,802,691 or 52.61%, of the budget. The municipal revenues including property taxes were \$29,575,575, or 53.84% of the budget which is more than the same period last year by 1.08%. The accounts listed below are noteworthy.

- A. The current year tax revenue is at 52.33% , the second payment is due March 15<sup>th</sup> .
- B. Excise tax for the month of January is at 64.68%. This is a \$169,292 increase from FY 15. Our excise revenues for FY16 are 6.35% above projections as of January 31, 2016.
- C. State Revenue Sharing at the end of January is 61.96% or \$915,555. This is 13.23% or \$111,729 increase from last January.
- D. Fines are ahead of last year at this time by \$8,275.

## **Expenditures**

City expenditures through January 2016 were \$22,984,413 or 59.71%, of the budget. This is a 6.57% decrease for the same period last year. Noteworthy variances are:

- A. The operating departments are all in line with where they should be at this time. Several line items are paid quarterly, semi-annually or annually thus creating the appearance of being over budget. I have and will continue to monitor each department's expenditures throughout the fiscal year.
- B. The TIF transfer has not been made yet this year which is the major variance compared to last year at this time.

## **Investments**

This section contains an investment schedule as of January 31st. Currently the City's funds are earning an average interest rate of .47%.

Respectfully submitted,

A handwritten signature in black ink that reads "Jill M Eastman". The signature is written in a cursive, flowing style.

Jill M. Eastman  
Finance Director

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND**  
**AS of January 2016, December 2015, and June 2015**

	UNAUDITED January 31 2016	UNAUDITED December 31 2015	Increase (Decrease)	AUDITED JUNE 30 2015
<b>ASSETS</b>				
CASH	\$ 18,453,463	\$ 19,922,921	\$ (1,469,458)	\$ 11,951,131
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	2,360,696	2,557,325	(196,629)	2,429,419
TAXES RECEIVABLE-CURRENT	19,034,683	19,337,098	(302,415)	37,898
DELINQUENT TAXES	619,781	627,490	(7,709)	571,005
TAX LIENS	648,397	721,206	(72,809)	1,721,395
NET DUE TO/FROM OTHER FUNDS	2,595,970	2,249,190	346,780	266,370
<b>TOTAL ASSETS</b>	<b>\$ 43,712,989</b>	<b>\$ 45,415,229</b>	<b>\$ (1,702,240)</b>	<b>\$ 16,977,218</b>
<b>LIABILITIES &amp; FUND BALANCES</b>				
ACCOUNTS PAYABLE	\$ (32,477)	\$ (29,434)	\$ (3,043)	\$ (1,935,471)
PAYROLL LIABILITIES	(643,151)	(794,002)	150,851	-
ACCRUED PAYROLL	36,805	36,805	-	(2,329,832)
STATE FEES PAYABLE	(54,242)	(51,093)	(3,149)	-
ESCROWED AMOUNTS	(23,309)	(21,767)	(1,542)	(6,039)
DEFERRED REVENUE	(20,280,943)	(20,475,155)	194,212	(1,860,686)
<b>TOTAL LIABILITIES</b>	<b>\$ (20,997,318)</b>	<b>\$ (21,334,646)</b>	<b>\$ 337,329</b>	<b>\$ (6,132,028)</b>
FUND BALANCE - UNASSIGNED	\$ (21,624,719)	\$ (22,989,630)	\$ 1,364,911	\$ (8,018,394)
FUND BALANCE - RESTRICTED FOR WORKERS COMP & UNEMPLOYMENT	776,017	776,017	-	
FUND BALANCE - RESTRICTED	(1,866,970)	(1,866,970)	-	(2,826,796)
<b>TOTAL FUND BALANCE</b>	<b>\$ (22,715,672)</b>	<b>\$ (24,080,583)</b>	<b>\$ 1,364,911</b>	<b>\$ (10,845,190)</b>
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$ (43,712,989)</b>	<b>\$ (45,415,229)</b>	<b>\$ 1,702,240</b>	<b>\$ (16,977,218)</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - GENERAL FUND COMPARATIVE**  
**THROUGH January 31, 2016 VS January 31, 2015**

REVENUE SOURCE	FY 2016 BUDGET	ACTUAL REVENUES THRU JAN 2016	% OF BUDGET	FY 2015 BUDGET	ACTUAL REVENUES THRU JAN 2015	% OF BUDGET	VARIANCE
<b>TAXES</b>							
PROPERTY TAX REVENUE-	\$ 44,021,283	\$ 23,036,403	52.33%	\$ 43,055,996	\$ 22,832,618	53.03%	\$ 203,785
PRIOR YEAR TAX REVENUE	\$ -	\$ 826,167		\$ -	\$ 763,319		\$ 62,848
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 505,000	\$ 258,527	51.19%	\$ 495,000	\$ 383,752	77.53%	\$ (125,225)
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -		\$ -
EXCISE	\$ 3,350,000	\$ 2,166,731	64.68%	\$ 3,185,000	\$ 1,997,439	62.71%	\$ 169,292
PENALTIES & INTEREST	\$ 150,000	\$ 77,668	51.78%	\$ 145,000	\$ 73,809	50.90%	\$ 3,859
<b>TOTAL TAXES</b>	<b>\$ 48,026,283</b>	<b>\$ 26,365,495</b>	<b>54.90%</b>	<b>\$ 46,880,996</b>	<b>\$ 26,050,937</b>	<b>55.57%</b>	<b>\$ 314,558</b>
<b>LICENSES AND PERMITS</b>							
BUSINESS	\$ 48,300	\$ 32,466	67.22%	\$ 48,300	\$ 37,058	76.72%	\$ (4,593)
NON-BUSINESS	\$ 356,800	\$ 185,853	52.09%	\$ 339,300	\$ 207,925	61.28%	\$ (22,072)
<b>TOTAL LICENSES</b>	<b>\$ 405,100</b>	<b>\$ 218,318</b>	<b>53.89%</b>	<b>\$ 387,600</b>	<b>\$ 244,983</b>	<b>63.21%</b>	<b>\$ (26,665)</b>
<b>INTERGOVERNMENTAL ASSISTANCE</b>							
STATE-LOCAL ROAD ASSISTANCE	\$ 440,000	\$ 401,596	91.27%	\$ 440,000	\$ 397,504	90.34%	\$ 4,092
STATE REVENUE SHARING	\$ 1,477,641	\$ 915,555	61.96%	\$ 1,649,470	\$ 803,826	48.73%	\$ 111,729
WELFARE REIMBURSEMENT	\$ 70,000	\$ 34,052	48.65%	\$ 70,000	\$ 25,686	36.69%	\$ 8,366
OTHER STATE AID	\$ 22,000	\$ 3,555	16.16%	\$ 22,000	\$ 3,356	15.25%	\$ 199
CITY OF LEWISTON	\$ 155,000	\$ 5,040	3.25%	\$ 155,000	\$ -	0.00%	\$ 5,040
<b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>	<b>\$ 2,164,641</b>	<b>\$ 1,359,797</b>	<b>62.82%</b>	<b>\$ 2,336,470</b>	<b>\$ 1,230,372</b>	<b>52.66%</b>	<b>\$ 129,425</b>
<b>CHARGE FOR SERVICES</b>							
GENERAL GOVERNMENT	\$ 133,040	\$ 82,941	62.34%	\$ 132,040	\$ 94,471	71.55%	\$ (11,530)
PUBLIC SAFETY	\$ 239,138	\$ 44,492	18.61%	\$ 485,703	\$ 219,148	45.12%	\$ (174,656)
EMS TRANSPORT	\$ 1,250,000	\$ 593,200	47.46%	\$ 987,551	\$ 143,362	14.52%	\$ 449,838
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 1,622,178</b>	<b>\$ 720,632</b>	<b>44.42%</b>	<b>\$ 1,605,294</b>	<b>\$ 456,981</b>	<b>28.47%</b>	<b>\$ 263,651</b>
<b>FINES</b>							
PARKING TICKETS & MISC FINES	\$ 60,000	\$ 38,259	63.76%	\$ 26,000	\$ 29,984	115.32%	\$ 8,275
<b>MISCELLANEOUS</b>							
INVESTMENT INCOME	\$ 5,000	\$ 7,066	141.32%	\$ 10,000	\$ 2,005	20.05%	\$ 5,061
INTEREST-BOND PROCEEDS	\$ 2,000	\$ -	0.00%	\$ 2,000	\$ -	0.00%	\$ -
RENTS	\$ 18,000	\$ 147,322	818.46%	\$ 122,000	\$ -	0.00%	\$ 147,322
UNCLASSIFIED	\$ 20,000	\$ 29,241	146.21%	\$ 20,000	\$ 8,752	43.76%	\$ 20,489
SALE OF RECYCLABLES	\$ -	\$ -		\$ -	\$ -		\$ -
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 34,369		\$ -	\$ 30,948		\$ 3,421
SALE OF PROPERTY	\$ 20,000	\$ 501,020	2505.10%	\$ 20,000	\$ 2,333	11.67%	\$ 498,687
RECREATION PROGRAMS/ARENA	\$ -	\$ -		\$ -	\$ -		\$ -
MMWAC HOST FEES	\$ 210,000	\$ 122,882	58.52%	\$ 206,000	\$ 122,468	59.45%	\$ 414
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -	0.00%	\$ -
TRANSFER IN: TIF	\$ 545,000	\$ -	0.00%	\$ 500,000	\$ -	0.00%	\$ -
TRANSFER IN: POLICE	\$ 45,000	\$ -	0.00%	\$ 20,000	\$ -	0.00%	\$ -
TRANSFER IN: PARKING PROGRAM	\$ -	\$ -		\$ 55,000	\$ -	0.00%	\$ -
TRANSFER IN: PD DRUG MONEY	\$ -	\$ -		\$ 45,000	\$ -	0.00%	\$ -
TRANSFER IN: REC SPEC REVENUE	\$ 42,718	\$ -	0.00%	\$ 41,720	\$ -	0.00%	\$ -
TRANSFER IN: SPECIAL REVENUE	\$ -	\$ -		\$ 290,000	\$ 304,999	105.17%	\$ (304,999)
ENERGY EFFICIENCY	\$ -	\$ 3,600		\$ -	\$ -		\$ 3,600
CDBG	\$ 58,000	\$ 18,524	31.94%	\$ 58,000	\$ -	0.00%	\$ 18,524
UTILITY REIMBURSEMENT	\$ 37,500	\$ 9,049	24.13%	\$ 37,500	\$ 10,816	28.84%	\$ (1,767)
CITY FUND BALANCE CONTRIBUTION	\$ 1,650,000	\$ -	0.00%	\$ 1,350,000	\$ -	0.00%	\$ -
<b>TOTAL MISCELLANEOUS</b>	<b>\$ 2,653,218</b>	<b>\$ 873,073</b>	<b>32.91%</b>	<b>\$ 2,777,220</b>	<b>\$ 482,321</b>	<b>17.37%</b>	<b>\$ 390,752</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$ 54,931,420</b>	<b>\$ 29,575,575</b>	<b>53.84%</b>	<b>\$ 54,013,580</b>	<b>\$ 28,495,578</b>	<b>52.76%</b>	<b>\$ 1,079,997</b>
<b>SCHOOL REVENUES</b>							
EDUCATION SUBSIDY	\$ 20,854,672	\$ 10,951,726	52.51%	\$ 20,411,239	\$ 10,651,040	52.18%	\$ 300,686
EDUCATION	\$ 856,607	\$ 275,390	32.15%	\$ 774,572	\$ 427,761	55.23%	\$ (152,371)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 906,882	\$ -	0.00%	\$ 906,882	\$ -	0.00%	\$ -
<b>TOTAL SCHOOL</b>	<b>\$ 22,618,161</b>	<b>\$ 11,227,116</b>	<b>49.64%</b>	<b>\$ 22,092,693</b>	<b>\$ 11,078,801</b>	<b>50.15%</b>	<b>\$ 148,315</b>
<b>GRAND TOTAL REVENUES</b>	<b>\$ 77,549,581</b>	<b>\$ 40,802,691</b>	<b>52.61%</b>	<b>\$ 76,106,273</b>	<b>\$ 39,574,379</b>	<b>52.00%</b>	<b>\$ 1,228,312</b>



**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**THROUGH January 31, 2016 VS January 31, 2015**

DEPARTMENT	FY 2016 BUDGET	Unaudited EXP THRU JAN 2016	% OF BUDGET	FY 2015 BUDGET	Unaudited EXP THRU JAN 2015	% OF BUDGET	VARIANCE
<b>ADMINISTRATION</b>							
MAYOR AND COUNCIL	\$ 77,366	\$ 45,706	59.08%	\$ 78,532	\$ 56,565	72.03%	\$ (10,859)
CITY MANAGER	\$ 269,340	\$ 154,856	57.49%	\$ 280,750	\$ 145,104	51.68%	\$ 9,752
ECONOMIC DEVELOPMENT	\$ 361,080	\$ 226,243	62.66%	\$ 359,500	\$ 229,541	63.85%	\$ (3,298)
CITY CLERK	\$ 165,053	\$ 100,963	61.17%	\$ 164,593	\$ 104,988	63.79%	\$ (4,025)
FINANCIAL SERVICES	\$ 619,855	\$ 362,808	58.53%	\$ 605,135	\$ 337,631	55.79%	\$ 25,177
HUMAN RESOURCES	\$ 143,526	\$ 84,259	58.71%	\$ 139,578	\$ 77,174	55.29%	\$ 7,085
INFORMATION TECHNOLOGY	\$ 390,190	\$ 288,767	74.01%	\$ 413,829	\$ 273,953	66.20%	\$ 14,814
LEGAL SERVICES	\$ 65,000	\$ 39,242	60.37%	\$ 65,000	\$ 42,151	64.85%	\$ (2,909)
<b>TOTAL ADMINISTRATION</b>	<b>\$ 2,091,410</b>	<b>\$ 1,302,844</b>	<b>62.30%</b>	<b>\$ 2,106,917</b>	<b>\$ 1,267,107</b>	<b>60.14%</b>	<b>\$ 35,737</b>
<b>COMMUNITY SERVICES</b>							
PLANNING & PERMITTING	\$ 906,631	\$ 563,271	62.13%	\$ 902,494	\$ 465,053	51.53%	\$ 98,218
HEALTH & SOCIAL SERVICES	\$ 184,711	\$ 86,940	47.07%	\$ 192,954	\$ 98,432	51.01%	\$ (11,492)
RECREATION & SPECIAL EVENTS*	\$ 338,871	\$ 168,381	49.69%	\$ -	\$ -		\$ 168,381
PUBLIC LIBRARY	\$ 979,516	\$ 560,009	57.17%	\$ 960,692	\$ 549,029	57.15%	\$ 10,980
<b>TOTAL COMMUNITY SERVICES</b>	<b>\$ 2,409,729</b>	<b>\$ 1,378,601</b>	<b>57.21%</b>	<b>\$ 2,056,140</b>	<b>\$ 1,112,514</b>	<b>54.11%</b>	<b>\$ 266,087</b>
<b>FISCAL SERVICES</b>							
DEBT SERVICE	\$ 6,324,864	\$ 5,792,676	91.59%	\$ 6,263,936	\$ 5,774,574	92.19%	\$ 18,102
FACILITIES	\$ 653,080	\$ 440,796	67.49%	\$ 698,335	\$ 417,683	59.81%	\$ 23,113
WORKERS COMPENSATION	\$ 496,536	\$ -	0.00%	\$ 468,081	\$ -	0.00%	\$ -
WAGES & BENEFITS	\$ 5,171,309	\$ 2,801,067	54.17%	\$ 4,737,117	\$ 2,766,823	58.41%	\$ 34,244
EMERGENCY RESERVE (10108062-670000)	\$ 375,289	\$ -	0.00%	\$ 375,289	\$ -	0.00%	\$ -
<b>TOTAL FISCAL SERVICES</b>	<b>\$ 13,021,078</b>	<b>\$ 9,034,539</b>	<b>69.38%</b>	<b>\$ 12,542,758</b>	<b>\$ 8,959,080</b>	<b>71.43%</b>	<b>\$ 75,459</b>
<b>PUBLIC SAFETY</b>							
FIRE DEPARTMENT	\$ 4,099,634	\$ 2,543,600	62.04%	\$ 4,057,633	\$ 2,554,021	62.94%	\$ (10,421)
FIRE EMS	\$ 549,801	\$ 241,483	43.92%	\$ 635,468	\$ 232,014	36.51%	\$ 9,469
POLICE DEPARTMENT	\$ 3,870,995	\$ 2,144,990	55.41%	\$ 3,738,108	\$ 2,145,346	57.39%	\$ (356)
<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 8,520,430</b>	<b>\$ 4,930,073</b>	<b>57.86%</b>	<b>\$ 8,431,209</b>	<b>\$ 4,931,381</b>	<b>58.49%</b>	<b>\$ (1,308)</b>
<b>PUBLIC WORKS</b>							
PUBLIC SERVICES DEPARTMENT	\$ 4,525,898	\$ 2,417,218	53.41%	\$ 5,806,379	\$ 3,214,865	55.37%	\$ (797,647)
SOLID WASTE DISPOSAL*	\$ 927,278	\$ 450,868	48.62%	\$ -	\$ -		\$ 450,868
WATER AND SEWER	\$ 599,013	\$ 452,385	75.52%	\$ 599,013	\$ 305,756	51.04%	\$ 146,629
<b>TOTAL PUBLIC WORKS</b>	<b>\$ 6,052,189</b>	<b>\$ 3,320,471</b>	<b>54.86%</b>	<b>\$ 6,405,392</b>	<b>\$ 3,520,621</b>	<b>54.96%</b>	<b>\$ (200,150)</b>
<b>INTERGOVERNMENTAL PROGRAMS</b>							
AUBURN-LEWISTON AIRPORT	\$ 105,000	\$ 105,000	100.00%	\$ 105,000	\$ 78,750	75.00%	\$ 26,250
E911 COMMUNICATION CENTER	\$ 1,069,122	\$ 540,307	50.54%	\$ 1,067,249	\$ 524,673	49.16%	\$ 15,634
LATC-PUBLIC TRANSIT	\$ 209,244	\$ 209,244	100.00%	\$ 235,373	\$ 52,844	22.45%	\$ 156,400
LA ARTS	\$ -	\$ -		\$ 17,000	\$ -	0.00%	\$ -
TAX SHARING	\$ 270,000	\$ 21,066	7.80%	\$ 270,000	\$ 4,446	1.65%	\$ 16,620
<b>TOTAL INTERGOVERNMENTAL</b>	<b>\$ 1,653,366</b>	<b>\$ 875,617</b>	<b>52.96%</b>	<b>\$ 1,694,622</b>	<b>\$ 660,713</b>	<b>38.99%</b>	<b>\$ 214,904</b>
<b>COUNTY TAX</b>	<b>\$ 2,142,268</b>	<b>\$ 2,142,268</b>	<b>100.00%</b>	<b>\$ 2,046,880</b>	<b>\$ 2,046,879</b>	<b>100.00%</b>	<b>\$ 95,389</b>
<b>TIF (10108058-580000)</b>	<b>\$ 2,599,914</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 2,584,032</b>	<b>\$ 2,599,913</b>	<b>100.61%</b>	<b>\$ (2,599,913)</b>
<b>OVERLAY</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>
<b>TOTAL CITY DEPARTMENTS</b>	<b>\$ 38,490,384</b>	<b>\$ 22,984,413</b>	<b>59.71%</b>	<b>\$ 37,867,950</b>	<b>\$ 25,098,208</b>	<b>66.28%</b>	<b>\$ (2,113,795)</b>
<b>EDUCATION DEPARTMENT</b>	<b>\$ 39,062,197</b>	<b>\$ 15,700,977</b>	<b>40.19%</b>	<b>\$ 38,241,323</b>	<b>\$ 16,489,109</b>	<b>43.12%</b>	<b>\$ (788,132)</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 77,552,581</b>	<b>\$ 38,685,390</b>	<b>49.88%</b>	<b>\$ 76,109,273</b>	<b>\$ 41,587,317</b>	<b>54.64%</b>	<b>\$ (2,901,927)</b>



**CITY OF AUBURN, MAINE**  
**INVESTMENT SCHEDULE**  
**AS OF January 31, 2016**

INVESTMENT		FUND	BALANCE January 31, 2016	BALANCE December 31, 2015	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 4,258,589.38	\$ 4,257,143.15	0.40%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,002,000.44	\$ 1,001,660.18	0.40%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 5,050,266.20	\$ 5,048,547.42	0.40%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 50,056.74	\$ 50,039.76	0.40%
ANDROSCOGGIN BANK	748	UNEMPLOYMENT	\$ 50,056.73	\$ 50,039.74	0.40%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 130,147.65	\$ 130,103.47	0.40%
NORTHERN CAPITAL	02155	CAPITAL PROJECTS	\$ 750,000.00	\$ 750,000.00	0.45%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	0.50%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ -	0.85%
<b>GRAND TOTAL</b>			<b>\$ 12,291,117.14</b>	<b>\$ 11,787,533.72</b>	<b>0.47%</b>

**EMS BILLING**  
**BREAKDOWN -TOTAL CHARGES**  
**July 1, 2015 - June 30, 2016**  
**Report as of January 31, 2016**

	July 2015	August 2015	Sept 2015	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Adjustment	Totals	% of Total
No Insurance Information				\$ 9,878.80	\$ 9,378.20	\$ 7,920.00	\$ 15,706.00	\$ (27,177.00)	\$ 15,706.00	1.21%
Bluecross	\$ 4,447.40	\$ 9,313.20	\$ 16,358.80	\$ 7,914.80	\$ 8,336.80	\$ 9,136.40	\$ 5,167.40	\$ 12,234.80	\$ 72,909.60	5.64%
Intercept	\$ 200.00	\$ 400.00	\$ 500.00	\$ 400.00	\$ 300.00	\$ 200.00	\$ 100.00	\$ 100.00	\$ 2,200.00	0.17%
Medicare	\$ 76,994.00	\$ 81,754.00	\$ 95,440.20	\$ 83,724.40	\$ 75,419.20	\$ 105,424.20	\$ 85,563.40	\$ 11,932.40	\$ 616,251.80	47.65%
Medicaid	\$ 32,852.00	\$ 29,305.00	\$ 39,741.60	\$ 26,231.20	\$ 23,081.80	\$ 27,212.00	\$ 26,440.00	\$ 6,668.80	\$ 211,532.40	16.36%
Other/Commercial	\$ 36,705.40	\$ 31,800.40	\$ 41,227.00	\$ 33,338.80	\$ 25,727.60	\$ 24,983.40	\$ 33,851.80	\$ 46,673.20	\$ 274,307.60	21.21%
Patient	\$ 30,593.00	\$ 32,031.80	\$ 16,754.40	\$ 26,109.20	\$ 14,667.80	\$ 21,797.80	\$ 8,812.00	\$ (51,111.60)	\$ 99,654.40	7.71%
Worker's Comp								\$ 679.40	\$ 679.40	0.05%
<b>TOTAL</b>	<b>\$ 181,791.80</b>	<b>\$ 184,604.40</b>	<b>\$ 210,022.00</b>	<b>\$ 187,597.20</b>	<b>\$ 156,911.40</b>	<b>\$ 196,673.80</b>	<b>\$ 175,640.60</b>	<b>\$ (0.00)</b>	<b>\$ 1,293,241.20</b>	<b>100.00%</b>

**EMS BILLING**  
**BREAKDOWN -TOTAL COUNT**  
**July 1, 2015 - June 30, 2016**  
**Report as of January 31, 2016**

	July 2015	August 2015	Sept 2015	Oct 2015	Nov 2015	Dec 2015	Jan 2015	Adjustment	Totals	% of Total
No Insurance Information				12	12	10	19		53	3.24%
Bluecross	5	11	20	9	10	11	6		72	4.41%
Intercept	2	4	5	4	3	2	1		21	1.29%
Medicare	91	98	122	109	96	131	108		755	46.21%
Medicaid	40	35	52	34	29	37	33		260	15.91%
Other/Commercial	44	39	55	42	31	33	40		284	17.38%
Patient	37	39	21	32	20	29	11		189	11.57%
Worker's Comp									0	0.00%
<b>TOTAL</b>	<b>219</b>	<b>226</b>	<b>275</b>	<b>242</b>	<b>201</b>	<b>253</b>	<b>218</b>	<b>0</b>	<b>1634</b>	<b>100.00%</b>

**TOTAL REVENUE COLLECTED AS OF 1/31/16 \$593,200**  
**TOTAL EXPENDITURES AS OF 1/31/16 \$241,483**

**EMS BILLING  
AGING REPORT  
July 1, 2015 to June 30, 2016  
Report as of January 31, 2016**

	Current		31-60		61-90		91-120		121+ days		Totals							
Bluecross	\$	5,952.55	74%	\$	-	0%	\$	942.40	12%	\$	887.80	11%	\$	272.33	3%	\$	8,055.08	1.56%
Intercept	\$	200.00	67%	\$	100.00	33%	\$	-		\$	-		\$	-		\$	300.00	0.06%
Medicare	\$	49,295.95	95%	\$	682.20	1%	\$	-	0%	\$	901.80	2%	\$	760.45	1%	\$	51,640.40	10.03%
Medicaid	\$	14,001.66	85%	\$	347.66	2%	\$	1.31	0%	\$	1,392.40	8%	\$	761.88	5%	\$	16,504.91	3.21%
Other/Commercial	\$	45,132.23	69%	\$	6,839.02	11%	\$	3,982.74	6%	\$	1,754.60	3%	\$	7,241.34	11%	\$	64,949.93	12.61%
Patient	\$	36,468.20	10%	\$	40,467.22	11%	\$	31,427.63	8%	\$	19,164.96	5%	\$	245,932.58	66%	\$	373,460.59	72.53%
Worker's Comp	\$	-		\$	-		\$	-		\$	-		\$	-		\$	-	0.00%
TOTAL	\$	151,050.59		\$	48,436.10		\$	36,354.08		\$	24,101.56		\$	254,968.58		\$	514,910.91	
		29%			9%			7%			5%			50%			100%	100.00%

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

To: Howard Kroll, City Manager  
From: Jill Eastman, Finance Director  
Re: Arena Financial Reports for January 31, 2016



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of January 31, 2016.

### **NORWAY SAVINGS BANK ARENA**

#### **Statement of Net Assets:**

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, December 31, 2015.

#### **Current Assets:**

As of the end of January 2016 the total current assets of Norway Savings Bank Arena were (\$125,955). These consisted of cash and cash equivalents of \$91,281, accounts receivable of \$146,010 and an interfund payable of \$405,453, which means that Norway owes the General Fund \$405,453 at the end of January.

#### **Noncurrent Assets:**

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of January 31, 2016 was \$215,947.

#### **Liabilities:**

Norway Arena had accounts payable of \$43,880 as of January 31, 2016.

#### **Statement of Activities:**

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through January 2016 are \$672,400. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through January 2016 were \$691,467. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

As of January 2016 Norway Arena has an operating loss of \$19,067 compared to the January 2015 operating loss of \$128,547 a decrease in the operating loss for the fiscal year of \$109,480.

As of January 31, 2016 Norway Arena has a decrease in net assets of \$19,067.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY16 is \$62,195 more than in FY15 and expenditures in FY16 are \$41,632 more than last year in January.

**CITY OF AUBURN, MAINE**  
**Statement of Net Assets**  
**Norway Savings Bank Arena**  
**January 31, 20156**  
**Business-type Activities - Enterprise Fund**

	January 31, 2016	December 31, 2015	Increase/ (Decrease)
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 91,281	\$ 91,281	\$ -
Interfund receivables/payables	(405,453)	(406,601)	1,148
Prepaid Rent	42,207	42,207	-
Accounts receivable	146,010	163,975	(17,965)
Total current assets	(125,955)	(109,138)	(16,817)
Noncurrent assets:			
Capital assets:			
Buildings	38,905	38,905	-
Equipment	285,813	285,813	-
Land improvements	-	-	-
Less accumulated depreciation	(108,771)	(108,771)	-
Total noncurrent assets	215,947	215,947	-
Total assets	89,992	106,809	(16,817)
<b>LIABILITIES</b>			
Accounts payable	\$ 43,880	\$ 43,205	\$ 675
Total liabilities	43,880	43,205	675
<b>NET ASSETS</b>			
Invested in capital assets	\$ 215,947	\$ 215,947	\$ -
Unrestricted	\$ (169,835)	\$ (152,343)	\$ (17,492)
Total net assets	\$ 46,112	\$ 63,604	\$ (17,492)

**CITY OF AUBURN, MAINE**  
**Statement of Revenues, Expenses and Changes in Net Assets**  
**Norway Savings Bank Arena**  
**Business-type Activities - Enterprise Funds**  
**Statement of Activities**  
**January 31, 2016**

	<b>Norway Savings Arena</b>
Operating revenues:	
Charges for services	\$ 672,400
Operating expenses:	
Personnel	207,781
Supplies	18,167
Utilities	126,122
Repairs and maintenance	11,978
Rent	295,449
Depreciation	-
Capital expenses	1,600
Other expenses	30,370
Total operating expenses	691,467
Operating gain (loss)	(19,067)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	(19,067)
Transfers out	-
Change in net assets	(19,067)
Total net assets, July 1	65,179
<b>Total net assets, January 31, 2016</b>	<b>\$ 46,112</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - NORWAY SAVINGS BANK ARENA**  
Through January 31, 2016 compared to January 31, 2015

REVENUE SOURCE	FY 2016 BUDGET	ACTUAL REVENUES THRU JAN 2016	% OF BUDGET	FY 2015 BUDGET	ACTUAL REVENUES THRU JAN 2015	% OF BUDGET	VARIANCE
<b>CHARGE FOR SERVICES</b>							
Concussions	\$ 30,000	\$ 5,625	18.75%	\$ 30,000	\$ 3,387	11.29%	\$ 2,238
Sign Advertisements	\$ 230,000	\$ 137,498	59.78%	\$ 233,225	\$ 127,108	54.50%	\$ 10,390
Pro Shop	\$ 8,500	\$ 4,343	51.09%	\$ 8,500	\$ 4,209	49.52%	\$ 134
Programs	\$ 280,000	\$ 175,315	62.61%	\$ 172,450	\$ 132,360	76.75%	\$ 42,955
Rental Income	\$ 398,500	\$ 324,328	81.39%	\$ 753,260	\$ 324,496	43.08%	\$ (168)
Tournaments	\$ 50,000	\$ 25,291	50.58%	\$ 24,500	\$ 18,645	76.10%	\$ 6,646
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 997,000</b>	<b>\$ 672,400</b>	<b>67.44%</b>	<b>\$ 1,221,935</b>	<b>\$ 610,205</b>	<b>49.94%</b>	<b>\$ 62,195</b>
<b>INTEREST ON INVESTMENTS</b>	<b>\$ -</b>			<b>\$ -</b>			
<b>GRAND TOTAL REVENUES</b>	<b>\$ 997,000</b>	<b>\$ 672,400</b>	<b>67.44%</b>	<b>\$ 1,221,935</b>	<b>\$ 610,205</b>	<b>49.94%</b>	<b>\$ 62,195</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - NORWAY SAVINGS BANK ARENA**  
Through January 31, 2016 compared to January 31, 2015

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2016 BUDGET	EXPENDITURES THRU JAN 2016	% OF BUDGET	FY 2015 BUDGET	EXPENDITURES THRU JAN 2015	% OF BUDGET	
Salaries & Benefits	\$ 311,000	\$ 207,781	66.81%	\$ 318,446	\$ 156,149	49.03%	\$ 51,632
Purchased Services	\$ 96,150	\$ 42,348	44.04%	\$ 67,800	\$ 70,081	103.36%	\$ (27,733)
Supplies	\$ 17,500	\$ 18,167	103.81%	\$ 9,000	\$ 27,517	305.74%	\$ (9,350)
Utilities	\$ 200,200	\$ 126,122	63.00%	\$ 204,846	\$ 100,639	49.13%	\$ 25,483
Capital Outlay	\$ 57,000	\$ 1,600	2.81%	\$ 80,000	\$ -	0.00%	\$ 1,600
Rent	\$ 507,000	\$ 295,449	58.27%	\$ 528,408	\$ 295,449	55.91%	\$ -
	<b>\$ 1,188,850</b>	<b>\$ 691,467</b>	<b>58.16%</b>	<b>\$ 1,208,500</b>	<b>\$ 649,835</b>	<b>53.77%</b>	<b>\$ 41,632</b>
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ 1,188,850</b>	<b>\$ 691,467</b>	<b>58.16%</b>	<b>\$ 1,208,500</b>	<b>\$ 649,835</b>	<b>53.77%</b>	<b>\$ 41,632</b>