

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 01-01202015

Be it ordained by the Auburn City Council, that it hereby approves an amendment to the City of Auburn's Code of Ordinances, Part II, Article V., Boards, Commissions and Committees, Division 2, Planning Board as attached.

**Passage of first reading on 1/20/2015
4-2 (Councilors Walker and Gerry
opposed). Passage of second reading
on 2/9/2015 5-0 (Councilors Crowley
and Young absent).**

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

DIVISION 4. PLANNING BOARD

[Sec. 2-466. Membership: appointment, removal, terms, vacancies.](#)

[Sec. 2-467. Chairperson and vice-chairperson.](#)

[Sec. 2-468. Staff secretary: minutes, public records.](#)

[Sec. 2-469. Quorum and necessary vote.](#)

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[Revised at 9/9/14 and
10/14/14 PB meetings](#)

Sec. 2-466. Membership: appointment, removal, terms, vacancies.

- (a) There shall be a planning board of seven regular and two associate members. Members of the planning board shall be residents of the city and shall not be officers or employees of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. Members shall serve without compensation.
- (b) Regular Members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.
- (c) The City Council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that the terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the Planning Board but shall not vote unless temporarily acting on behalf of a regular member who is absent or has been recused.
- (~~e~~) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.
- (~~d~~) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.
- (f) The Planning Board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the Planning Board but shall not be entitled to vote.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

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Sec. 2-467. Chairperson and vice-chairperson.

The members of the planning board shall annually elect one of the board members as chairperson to preside at all meetings and hearings, and another of their number as vice-chairperson. In the absence of the chairperson, the vice-chairperson shall act as chairperson and shall have all the powers of the chairperson. If no Chairperson or Vice-Chairperson is present or able to preside over an agenda item, the attending members may elect an acting Chairperson.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-468. Staff secretary: minutes, public records.

- (a) The ~~city planner~~ Director of Planning and Development shall designate a member of ~~his~~ their staff who shall serve as staff secretary of the planning board and attend all of its proceedings.
- (b) The staff secretary shall provide for the keeping of minutes of the proceedings of the planning board, noting the vote of each member on every question, or the member's absence or failure to vote, and shall maintain the permanent records and decisions of all planning board meetings, hearings, and proceedings and ~~all~~ correspondence of the planning board.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-469. Quorum and necessary vote.

- (a) As to any matter requiring a public hearing, no business shall be transacted by the planning board without a quorum, consisting of four members, being present. The concurring vote of at least four members shall be necessary to authorize any action by the board. ~~If the requisite votes are not present the matter shall be tabled.~~
- (b) If less than a quorum is present, the hearing ~~may~~ shall be ~~adjourned~~ rescheduled. The staff secretary shall notify in writing all members of the date of the ~~adjourned~~ reschedule hearing and shall notify such other interested parties as may be directed in the vote to reschedule of adjournment.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-470. Meetings, hearings and procedures.

- (a) Regular meetings of the planning board shall be held at the call of the chairperson or as provided by rule of the board. Special meetings may be called by any four members of the planning board, or at the request of the city council. Testimony at any hearing may be required by the planning board to be given under oath.
- (b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with this chapter and with state law. Such rules shall be filed with the staff secretary of the planning board and with the city clerk. Any rule so adopted that relates solely to the conduct of hearings, and that is not required by the city council, this chapter or state law, may ~~be~~ be waived by the chairperson upon good cause being shown.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

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Sec. 2-471. Workshop or informational meetings.

Informal meetings or workshops of the planning board or any of its committees may be held at the call of any of its members or the ~~city planner~~ Director of Planning and Development, as the case may be, for the presentation of information.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-472. Record and decisions.

- (a) The minutes of the staff secretary, and any transcript of the proceedings, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.
- (b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.
- (c) The staff secretary shall mail notice of any decision of the board to the applicant or any designated interested parties within five business days of such decision.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-473. Conflicts.

No member of the planning board shall participate in the hearing or disposition of any matter in which he or she has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the members whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-474. Appeals.

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-475. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the city and in accordance therewith, the planning board shall have the following jurisdiction and authority:

- (1) To prepare and recommend to the city council a comprehensive plan.
- (2) To prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.
- (3) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific planning related projects.

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DIVISION 4. PLANNING BOARD

- (4) To hear, review, and approve or deny applications for subdivision approval as provided in this Code.
- (5) To hear, review, and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the city's zoning regulations, and to initiate recommendations for zoning changes and amendments to or revisions of the city's zoning regulations as necessary.
- (6) To review and offer its recommendations to the city council on public planning related projects.
- (7) To offer its recommendations to the city council with regard to the compatibility of the city manager's proposed capital improvements program with the comprehensive plan.
- (8) To make such investigations and compile maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as it deems desirable.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-476. Committees.

The chairperson of the planning board ~~shall~~may from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to ~~its~~ concerning such specific items as may be assigned to them for study and report.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Secs. 2-477—2-482. Reserved.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

October 24, 2014

Mayor LaBonte and
The Auburn City Council
60 Court Street
Auburn, ME 04210

RE: City Council Ordinance

Dear Mayor LaBonte and Auburn City Council,

The Planning Board requests that the City Council amend Chapter 2, Article V, Division 4, Planning Board of the City Ordinances to make some minor changes that apply to the Planning Board.

The principal change that we recommend deals with Associate Members of the Planning Board. For a number of years the City Council has appointed Associate Members to the Planning Board. When a regular member of the Planning Board is absent, or recuses her/him, an Associate Member sits and acts in her/his behalf. While this has been the practice for a number of years, if a decision of the Planning Board, on which an Associate Member voted, (and conceivably was the tie breaking vote), was challenged, we could find no written authorization for the appointment of Associate Members or for them to act in behalf of Regular Members. That could place the Board's decision in a dicey situation. We believe that is easily corrected by amendment to the City Ordinance that deals with the Planning Board. There are several other suggested amendments of a housekeeping nature.

This request to the City Council and recommended amendment comes in a somewhat larger context. Several members observed that while our procedures and conduct of public hearings followed traditional practice, it was not written down. That might render the Board vulnerable if challenged.

Earlier this year the Planning Board started preparing a Policies and Procedures Manual that will commit to writing the procedures for the conduct of our meetings and public hearings and the steps that precede them. I am pleased to report that after several meetings and drafts, the Planning Board is well into preparation of a Policies and Procedures Manual.

There are several reasons why this effort is timely:

- In order to have all Board members on the "same page" it is necessary to have a written copy rather than relying on the memory of veteran Board members. While the Board's actions have followed traditional practice, it can give the appearance that we are "making it up as we go along" without reference to written rules.
- There has recently been a turnover in Planning Board members. Currently five of nine members are in their first term. A written Policies and Procedures Manual will allow newly appointed members to "get up to speed" sooner. Incidentally we held the first orientation session for new members in June.
- A written Policies and Procedures Manual is fairer to applicants so that they will know what is expected of them and when. That should make the application process overall more efficient for all concerned.
- Revised procedures are designed to make information available to interested parties in neighborhoods impacted by a proposed application earlier.
- City Manager Deschene has asked that all boards and committees have up to date written rules.
- Five members of the Planning Board recently attended an excellent training session conducted by the Maine Municipal Association for planning boards in Augusta. That session permitted us to learn of best practices of various planning boards around the state and of court decisions affecting planning boards. Those will be incorporated in the Policies and Procedures Manual.

The Planning Board looks forward to getting its house in better order. The favorable action of the City Council on the recommended amendments will be appreciated.

Sincerely



Robert A. Bowyer
Chairman

C: File

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 02-01202015

Be it ordained by the Auburn City Council, that the ordinance amendment (Part II, Code of Ordinance, Chapter 2, Administration, Article II, Mayor and Council, Division 2, Rules of Procedure, Section 2-59, Order of Business) be adopted as follows;

Sec. 2-59. - Order of business.

At every meeting of the city council, the order of business shall be as follows:

- (1) Consent agenda. All items listed with an asterisk (*) are considered to be routine by the city council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.
- (2) Minutes not previously read and approved, of all preceding meetings.
- (3) Communications and recognition.
- (4) Open session.
- (5) Unfinished business.
- (6) New business.
- (7) Reports of the mayor.
- (8) Reports of the city councilors.
- (9) Reports of the city manager.
- (10) Open session.
- (11) Adjournment.

Passage of first reading on 1/20/2015 6-1 (Councilor Walker opposed). Passage of second reading on 2/9/2015 4-1 (Councilor Walker opposed, Councilors Young and Crowley absent).

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David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 04-01262015

Be it ordained by the Auburn City Council, that the Code of Ordinances Chapter 14, Article IX - Mass Gatherings, section 14-275 – Alcoholic Beverages be amended as follows;

Sec. 14-275. Alcoholic Beverages

The sale or consumption of alcoholic beverages ~~of any kind~~ is prohibited within ~~the a~~ mass gathering area during any event ~~unless; the operator obtains all necessary permits from the City.~~ The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas. ~~The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.~~

- A. The Operator obtains all permits required by Section 14-251;
- B. The Operator obtains all licenses required by Chapter 14 Article XVI;
- C. The Operator obtains all other licenses and permits required by the City of Auburn and the State of Maine and complies fully with all applicable City ordinances and State statutes;
- D. The Operator restricts the time and location of such sale so that alcoholic beverages are sold only during the particular event and in a manner that does not disrupt public safety and order;
- E. Alcoholic beverages are sold and consumed only within the permitted area of the facility which shall not include parking lots;
- F. In applying for a mass gathering permit the Operator identifies the specific restricted areas where it proposes to sell alcoholic beverages, and the means by which it anticipates to limit the consumption of alcohol to such restricted portions of the mass gathering area;
- G. The Operator exercises due diligence and works with the Auburn Police Department and State authorities to strictly enforce, control, limit and prevent the unauthorized consumption of alcoholic beverages in any part of the mass gathering area outside of the restricted areas, and to prevent patrons in the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance, any other City ordinances and State statutes; and
- H. No individual under the age of 21 is permitted within the areas designated for sale and consumption of alcoholic beverages except for those employed and appropriately licensed by the State to serve alcoholic beverages.

An Operator seeking to obtain a mass gathering permit at which it is seeking authorization for the sale and consumption of alcoholic beverages shall affirm, in writing and through its signature, its commitment to comply with all of the above provisions and shall post signs at the mass gathering event indicating its compliance in full with this ordinance.

An Operator who permits the sale or consumption of alcoholic beverages in a manner that does not adhere to this Section, or who otherwise violates this Section, shall be deemed to be in violation of Chapter 14, Article IX and subject to the penalties in Section 14-250. In addition to the penalties in Section 14-250, any person,

partnership, corporation or other legal entity including the Operator, violating this Section shall be subject to a civil penalty of at least One Hundred Dollars (\$100). Each violation shall be considered a separate offense. The provisions of this Section shall be enforced by the City Manager or such other municipal official or employee as the City Manager shall designate in writing. The City shall also be entitled to its reasonable attorney's fees and costs for bringing any action under this Section.

If the Operator intends to sell or permit the sale of alcoholic beverages within the mass gathering area during a mass gathering, the Operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The Operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the City's Special Amusement Ordinance. Alcoholic beverages may be sold and consumed only within a restricted area of the Facility, which does not include the parking lot. The Operator shall identify, in its Permit Application, the specific restricted areas where it proposes to sell alcoholic beverages, and the means by which it anticipates to limit the consumption of alcohol to such restricted portions of the mass gathering area. Additionally, the Operator shall exercise all due diligence, work with the Auburn Police Department on strict enforcement and exert its best efforts to control, limit and prevent the unauthorized consumption of alcoholic beverages on any part of the mass gathering area outside of the restricted areas, and to prevent patrons of the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance. Nothing in this Ordinance shall preclude the Operator from implementing more restrictive rules for the sale and consumption of alcoholic beverages.

No one under the age of 21 years of age will be allowed in this area.

The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

Any person, partnership, corporation or other legal entity including the Operator, violating this Section shall be punished by a civil penalty of at least One Hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars. The failure to comply with conditions imposed upon the issuance of a mass gathering permit shall be a violation of this Section. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The civil penalty provided for in this Section shall be in addition to any other penalty or damages provisions provided within this Section, and shall be in addition to all other remedies to the City of Auburn at law and in equity. The provisions of this Section shall be enforced by the City Manager or such other municipal official or employee as the City Manager shall designate in writing. The City shall also be entitled to its reasonable attorney fees and costs for successfully prosecuting a violation of this Section.

Passage of first reading on 1/26/2015 4-1 (Councilor Hayes opposed, Councilors Crowley and Young absent).
Passage of second reading as amended on 2/9/2015 4-1 (Councilor Hayes opposed, Councilors Crowley and Young absent).

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Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 05-02022015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs, Section 56.19 - Tree Maintenance be amended as follows.

Sec. 56-19. - Tree maintenance.

The public works director or persons acting under his direction and control may enter upon private property at reasonable times for the purpose of detecting the presence of tree disease and carrying out control measures. Whenever a tree is found upon private property infected with the disease, or whenever a tree is found upon private property that creates a hazard to the safety of persons or property, the public works director shall give notice in writing to the property owner advising him of the dangerous condition, demanding that the property owner have the tree removed within 30 days of receiving such notice, and notifying the property owner that if the requested action is not taken within the 30-day period the tree may be removed by the City at the expense of the property owner. If the requested action is not taken within the 30-day period, and if the public works director determines that immediate action is necessary to protect persons or property from the dangerous tree, he, or persons acting under his direction, may enter the premises and cause the dangerous tree or part thereof to be removed at the expense of the property owner. A property owner may appeal the public works director's notice to remove the tree within 30 days of receiving such notice to the Board of Appeals. An adverse decision of the Board of Appeals may be appealed to the Superior Court within 30 days of the decision.

A TRUE COPY

ATTEST _____

Susan Clements-Dallaire, City Clerk

Failed first reading 3-2 (Councilors Walker and Gerry opposed, Councilors Young and Crowley absent and 4 affirmative votes are required). Passage of second and final reading on 2/17/2015 6-0 (Councilor Lee absent).

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Leroy Walker, Ward Five
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David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 06-02022015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs be amended to include Section 56.21 – Shade Trees.

City of Auburn Shade Tree Ordinance

Section 1 – Preamble.

The City of Auburn hereby adopts the following shade tree maintenance ordinance in order to regulate the removal, pruning, planting, and maintenance of trees within or upon the limits of any city road or public right of way and of trees located on public property.

Section 2 – Authority.

This ordinance is enacted pursuant to the Home Rule Authority granted to the city in accordance with the provisions of 30-A M.R.S.A. §3001.

Section 3 – Definitions.

- 3.1 Person-Any individual, person, firm, corporation, association, partnership or organization
- 3.2 Abutter – Person as defined above, who owns property, which includes the limits of any city road, public right of way, or any highway within the meaning of 30-A.M.R.S.A. §3281.
- 3.3 Public Trees-All trees located upon any public property owned by the city, including public property currently used by any individual departments.
- 3.4 Public Shade Trees-All trees within or upon the limits of any city road, public right of way, or any highway within the meaning of 30-A M.R.S.A. §3281. Street trees are owned by the abutter as defined above, but managed by the city under this ordinance
- 3.5 Municipal Arborist-An official of the city appointed by the city manager who shall include the care and control of all public shade trees upon and along city roads and public rights of way and in the parks and public lands of the city, and that official shall enforce all laws relating to the preservation and maintenance of public shade trees and public trees. Any term or word of this ordinance which is not defined in this section shall have a meaning consistent with Title 30-A, M.R.S.A., to the extent that such term is defined in that Title; any terms that are not defined in that Title shall have a meaning consistent with common usage.
- 3.6 Community Cords- This program is established to provide available resources to the Health

and Human Services Department to assist qualifying applicants with heating assistance. The program is funded through annual appropriations from the Public Tree Revenue Account, by the City Council, during the annual budget process from at least 2 sources: selling wood from city tree maintenance and also the harvesting of city forests.

Section 4 - Appointment of municipal arborist.

The city manager shall appoint the municipal arborist who shall administer this ordinance in coordination with such other municipal agencies/departments as now or may in the future share in the responsibility of caring for and maintaining the community forest. The municipal arborist shall have appropriate training and skill in performing care and maintenance of all shade trees. The municipal arborist shall at all times during his or her employment hold a valid arborist's license issued by the State of Maine.

Section 5 – Harvest revenues.

If and when revenues generated from any timber harvests, salvage, or removal exceed the expense of conducting that harvest, salvage, or removal, the surplus revenues will be deposited in a dedicated Public Tree Revenue account. Proposed expenditures of funds from this account shall be presented to the city council each fiscal year during the annual budgetary process. Expenditures related to the maintenance, replacement and improvement of public trees and the Community Cords Program should be given priority while budgeting for expenditures from the Public Tree Revenue account.

Section 6 – Prohibition.

No person shall prune, plant, cut down, remove, or alter a public shade tree or a public tree unless that person has first obtained the consent of the municipal arborist for those actions.

Section 7 - Request for consent from municipal arborist.

7.1 Written Request- Any person who intends to prune, plant, cut down, remove, or alter a public shade tree or public tree shall make a written request to the municipal arborist and shall state specifically the action intended to be taken by that person concerning an identified public shade tree or public tree.

7.2 Written Decision- Within ten (10) days of receipt of a written request pursuant to section 7.1 the municipal arborist shall approve the request, approve the request with conditions, or deny the request in a written decision mailed or hand delivered to the person making the request.

The municipal arborist shall have the authority to deny or impose reasonable conditions upon approval of the request in order to preserve and maintain the health and beauty of public shade trees or public trees and the places where such trees are located; and in order to protect the public safety and the safety and convenience of the city roads, highways, public rights of way, and public lands. Any permit granted shall contain a definite date of expiration and may contain conditions attached thereto by the municipal arborist.

Section 8 – Appeal.

In the event that a person is aggrieved by the decision of the Municipal Arborist, then such a person shall have the right to appeal the notice of the municipal arborist to the city council within ten (10) days of the date of the notice of the municipal arborist. The appeal shall be made in writing and shall set forth specifically the basis for the appeal.

Upon receipt of the written appeal by the city council, the city council may delegate the responsibility for hearing appeals under this ordinance to another city administrative board or city staff member.

The appeal hearing shall be scheduled within 60 days, and the appeal findings shall be communicated in writing to the person filing the appeal within 10 days of the appeal hearing.

Section 9 - Guidelines for planting, pruning, cutting removing, or altering of public shade trees.

After a public hearing, the city council or its' designated administrative board shall have the authority to adopt, amend, or modify guidelines for pruning, planting, cutting, removing or altering of trees, and thereafter, the Municipal Arborist shall use those guidelines in making decisions pursuant to this ordinance.

Section 10 – Violations and penalties.

- a) Any violator of any provision of this article shall be subject to a civil penalty payable to the city. Each act of violation shall constitute a separate offense.
- b) Should any public tree be destroyed, the person causing the destruction shall also make restitution to the city in an amount equal to the cost to the city of removing the destroyed tree plus its replacement value.
- c) Whenever the municipal arborist determines there are reasonable grounds to believe there has been a violation of any provisions of this article, he/she may initiate enforcement proceedings in accordance with the citation system established in article VIII of chapter 2.
- d) In addition to the remedies set forth above, the municipal arborist, on behalf of the city, may seek an abatement of the violation, or injunctive relief, including an award of penalties and reasonable attorney fees, from the district court or the superior court.
- e) The court also may order a violator of this article to reimburse the city for the cost of any action that was necessary to correct violations of the ordinance. If the city is the prevailing party in an enforcement action, it shall be awarded reasonable attorney's fees and costs.

Section 11 - Severability.

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

Section 12 - Other laws and ordinances.

This ordinance shall not prohibit or prevent the city from pruning, cutting, altering, or removing trees when the pruning, cutting, alteration, or removal is ordered by the city council or its' designated administrative board for the following purposes:

- a) To layout, alter or widen the location of city roads or highways;
- b) To lessen the danger of travel on city roads or highways; or
- c) To suppress tree pests or insects.
- d) To replace street trees that have been removed and to add shade trees to the community

forest

Should the city initiate work concerning street trees referenced above in Section 12 a), b) c) or d) the abutter shall be notified a minimum of 10 days prior to commencement of the work.

The consent of the municipal arborist is not required for planting, pruning, cutting, altering or removal of trees by the city for the foregoing purposes set forth in Section 9 of this ordinance. The consent of the municipal arborist is also not required for pruning, cutting or removal of trees in connection with routine maintenance of public parks and other public facilities which are managed by the Public Services Department of the city. The city shall, however, conform to any guidelines adopted pursuant to Section 10 of this ordinance in any actions taken for the foregoing purposes.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

**Passage of first reading 2/9/2015 5-0
(Councilors Young and Crowley
absent). Passage of second reading
on 2/17/2015 6-0 (Councilor Lee
absent).**

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
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Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 07-02022015

Be it ordained by the Auburn City Council, that the following ordinance for a Conservation Commission be adopted (Part II – Code of Ordinance, Chapter 2 – Administration, Article V – Boards, Commissions and Committees, Division 5).

CITY OF AUBURN

CONSERVATION COMMISSION

Section 1. - Commission established.

A conservation commission is hereby established pursuant to 30-A M.R.S.A. §§ 3261-3263 to consist of seven (7) members appointed by the city council, all of whom shall be residents of the city. The terms of office shall be three (3) years except that initial appointments after the date of adoption of this Ordinance shall be such that the terms of no more than three (3) members shall expire in any single year. For that purpose, the city council shall initially appoint three members for terms of one year, two members for terms of two years, and two members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. There shall be one (1) ex-officio member of the board consisting of the City Manager or his/her designee.

Section 2. - Purpose.

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the city.

Section 3. - Qualifications.

All members of the commission shall be selected upon the basis of their knowledge of or interest in conservation, environmental science or related fields.

Section 4. - Powers and duties.

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the city council;
- (b) Shall conduct research, in conjunction with the planning board, into local land areas, which shall be initiated by majority votes of both the commission and the planning board;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;
- (d) Shall keep an index of all open areas within the city, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the city council or to any Board of the city or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;
- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary, if municipal appropriations provide financial resources to do so;
- (f) Shall assist staff in the preparation of park and trail plans, the identification of new sites to be added to the park system, recommendations on designation of open space areas, and grant assistance;
- (g) Shall coordinate applications for grants from the Federal or State governments, or private sources, to improve conservation assets for the city including parks, trail and the community forest.
- (h) Shall undertake any other conservation or environmental activity referred to it by the city council.
- (i) May recommend to the city council the acceptance of gifts in the municipality's name for any of the commission's purposes.
- (j) Shall develop a plan for and provide advice to city staff and agencies regarding the management of the community forest including the anticipated impact of proposed development;
- (k) Shall raise community awareness regarding the importance of the community forest;
- (l) May raise funds to establish a community forest trust fund;
- (m) Shall adopt by-laws to govern the internal affairs of the commission; and
- (n) May perform such other functions as are permitted by this Code.

Section 5. - Officers, meetings and records.

- (a) The members shall elect from their membership a chairperson, treasurer, a vice-chairperson and a secretary. Officers shall serve two year terms.
- (b) All meetings of the commission shall be open to the public, and notice, if required by law, should be

provided to the public about such meetings.

- (c) Minutes shall be kept of all meetings.

Section 6. – Committees

- (a) Establishment: The chairperson may appoint special committees for purposes and terms approved by the Conservation Commission.
- (b) Lewiston-Auburn Community Forest Board: The Lewiston-Auburn Community Forest Board will be a standing subcommittee of the Auburn Conservation Commission. The purpose of the Community Forest Board is to plan for and provide advice to city staff and the conservation commission regarding the management of the community forest. The Conservation Commission shall designate two members to serve on the Lewiston-Auburn Community Forest Board. The Lewiston-Auburn Community Forest Board shall develop and implement a Community Forest Program that enhances, preserves, protects, and maintains the community Forest. Primary activities are to:
- Advocate for the community forest;
 - Develop a plan for and provide advice on the management of the public sector portion of the community forest;
 - Educate the communities about the community forest and how to care for it;
 - Raise funds, including grants, and establish a Community Forest Trust;
 - Develop and advise on policy changes for approval by the City Councils;
 - Advise and consult on community forest issues and projects
 - Communicate and coordinate with City staff, Planning Boards, and other community programs to avoid duplications of efforts and to combine resources to meet goals.

Section 7. - Limits of authority.

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

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Failed first reading on 2/9/2015 (Councilors Walker and Gerry opposed, Councilors Young and Crowley absent and 4 affirmative votes required). Passage of second and final reading on 2/17/2015 5-1 (Councilor Walker opposed, Councilor Lee absent).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 08-02022015

Be it ordained by the Auburn City Council, that the Code of Ordinance (Chapter 2, Article III, Division 7- Tax Assessor, Sec. 2-256 (a)) be amended as follows;

DIVISION 7. - TAX ASSESSOR

Sec. 2-256. - Powers and duties.

(a)

The tax assessor shall be the administrative head of the assessing operations in the Finance department and shall, with the approval of the city manager, have power to appoint such assistants as he may require and as shall from time to time be authorized by the city council. The Tax Assessor will be a direct report to the Finance Director.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

**Passage of first reading on 2/9/2015 5-0
(Councilors Young and Crowley absent).
Passage of second and final reading on
2/17/2015 6-0 (Councilor Lee absent).**

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 09-02022015

Be it ordained by the Auburn City Council, that the Code of Ordinance (Chapter 2, Article IV, Departments, Division 3 Finance, Sec. 2-359) be amended as follows;

Sec. 2-359. - Established.

The finance department responsibilities shall consist of accounting, assessing, collections and purchasing.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

**Passage of first reading on 2/9/2015 5-0
(Councilors Young and Crowley absent).
Passage of second and final reading on
2/17/2015 6-0 (Councilor Lee absent).**

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 10-02172015

Be it ordained by the Auburn City Council, that the Code of Ordinances Chapter 14, Article IX - Mass Gatherings, section 14-251 (e) be amended to include the following language:

(22) For those applicants seeking approval for the sale and for the sale and consumption of alcoholic beverages at their mass gathering, a detailed statement providing all information required by Section 14-275 and a signed written affirmation of intent to comply with all provisions of Section 14-275.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

**Passage of first reading on 2/17/2015 4-1
(Councilor Crowley opposed and Councilor
LaFontaine was not in the room for the vote).
Passage of second and final reading on
3/2/2015 6-1 (Councilor Crowley opposed).**

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-04062015

Be it ordained by the Auburn City Council, that the Code of Ordinance (Chapter 2, Article IV, Departments, Division 1 Finance, Sec. 2-487) be amended as follows;

- Sec. 2-487. – Bond Authorization.

All bond authorization orders shall include a date on which the authorization is automatically cancelled if the bonds have not been issued.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk **4-22-2015**

Passage of first reading on 4/6/2015 7-0.
Passage of second reading on 4/21/2015 6-0
(Councilor LaFontaine absent).

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 12-06152015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 14, Business Licenses and Permits, Article XVII, Garage Sales, Section 14-632, to include Agricultural Barn Sale, Article I, In General, Section 14-2, Definitions, to include Agricultural Barn Sale, and Appendix A – Fees and Charges under Businesses and Business Regulations to include Agricultural Barn Sale.

Article I, In General, Sec. 14-2. - Definitions

Agricultural Barn Sale means a sale of property, personal or household goods or other used items from a barn or property that is or was used by the current owner, and operator of the barn sale, primarily for an agricultural use and is located in an Agriculture and Resource Protection or Residential Zoning District.

Appendix A

Agricultural Barn Sale (maximum of one 3 day permit per month between the months of April and October) - \$15.00 each

Article XVII, Garage Sales, Section 14-632, to include Agricultural Barn Sale – attached.

Public hearing and first reading on 6/15/2015, motion failed 2-4 (Councilors LaFontaine, Lee, Gerry, and Young opposed, Councilor Crowley absent). Passage of second and final reading on 7/6/2015 5-1 (Councilor Crowley opposed, Councilor Lee absent).

IN CITY COUNCIL

ORDINANCE 12-06152015

ARTICLE XVII. -GARAGE, YARD AND BARN SALES

Sec. 14-630. - Permit required.

No person shall sell or offer for sale personal property from any residential premises except as permitted by this article. Only the sale of donated personal property and the sale of personal property owned, used and maintained for personal use only by the seller, and not for resale to the public, shall be permitted to be sold from residential premises, and only after issuance to the seller of a permit for such purposes, as follows:

- (1) A permit may be obtained from the city. The fee for a permit shall be paid in accordance with the business fee schedule as established by the city council.
- (2) No permit shall be issued for sales of personal property upon residential premises for a period of more than three consecutive days, and no more than two permits shall be issued for such sales upon residential premises in any six month period. Permits required under this article shall be on forms furnished by the city. Two or more people may hold a garage sale jointly at one location upon obtaining a permit. The person who resides at the location where the yard sale is to be held shall be listed as the applicant.

(Ord. No. 38-02072011-05, art.§ 24-460, 2-7-2011)

Sec. 14-631. - Neighborhood garage sales.

- (a) A neighborhood garage sale is permitted under this article . When applying for a garage sale permit, the organizer or one of the participants in the garage sale shall list his address as a the location of record where the garage sale shall take place. In addition, the names and addresses of all of the participants shall be listed on the permit application.
- (b) For the purposes of the article, a neighborhood garage sale shall be considered as a single event and the permit charge shall be the same as for a single garage sale.
- (c) Neighborhood garage sale permits are valid for the same periods as other garage sales and no more than one neighborhood garage sale on the same street may take place in any six month period.

(Ord. No. 38-02072011-05, art.§ 24-462, 2-7-2011)

Sec. 14-632. Agricultural Barn Sale.

- (1) A permit may be obtained from the city. The fee for a permit shall be paid in accordance with the business fee schedule as established by the city council and shall be the same as a Garage Sale.
- (2) No permit shall be issued for the sale of property, personal or household goods or other used items upon the agricultural or formerly agricultural premises for a period of more than

three consecutive days, and no more than one permit in any one month period between April and October. Permits required under this article shall be on forms furnished by the city. The person who resides at the location where the Agricultural Barn Sale is to be held shall be listed as the applicant and will provide information to confirm that they use or used the premises for agricultural purposes of generating more than 50% of their household income for 25 years or more.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 13-06152015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 14, Business Licenses and Permits, Article I, In General, Section 14-2, Definitions, and Appendix A – Fees and Charges under Businesses and Business Regulations (Flea market, craft fairs, swap meets, and bazaars).

Article I, In General, Section 14-2, Definitions

Flea market means the selling or offering for sale, to the public, of any services, goods, wares and merchandise or personal property by three or more individuals, groups or organizations from or at one fixed location. Also known as a craft fair, swap meet, bazaar.

APPENDIX A Fees and Charges under Businesses and Business Regulations

Flea market, craft fairs, swap meets, and bazaars:

One day event \$50.00 up to 25 tables, \$100 over 25 tables

Three months:

Per table50.00

Maximum per location500.00

**Public hearing and passage of first reading on
6/15/2015 6-0 (Councilor Crowley absent).
Passage of second reading on 7/6/2015 6-0
(Councilor Lee absent).**

Tizz E. H. Crowley, Ward One
 Robert Hayes, Ward Two
 Mary Lafontaine, Ward Three
 Adam R. Lee, Ward Four



Leroy Walker, Ward Five
 Belinda Gerry, At Large
 David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 14-10052015

ORDERED, that the City Council hereby amends the General Assistance Ordinance to incorporate the following maximum levels of assistance to be effective on and after October 1, 2015 as follows:

Appendix A

Effective: 10/01/15-09/30/16

Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	549	650	849	1,070	1,136
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Appendix C

Effective: 10/01/15-09/30/16

Lewiston/Auburn MSA Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	89	382	113	486
1	105	451	135	580
2	141	607	178	767
3	181	779	227	975
4	183	788	239	1,026

APPENDIX D - UTILITIES

ELECTRIC

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

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

Number in Household	Weekly	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

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

Number in Household	Weekly	Monthly
1	\$19.10	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

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

Passage of first reading on 10/5/2015, 6-0 (Councilor Hayes absent).

Passage of second reading on 10/19/2015, 6-0 (Councilor LaFontaine absent).