

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 01-02052018

BE IT ORDAINED, that the City Council hereby amends the City of Auburn Zoning Ordinance for the property located at 186 Main Street (PID # 231-020) from Traditional Downtown Neighborhood (T-4.2) to Downtown Traditional Center (T-5.1) as shown on the attached map, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

Passage of first reading on 2/5/2018 7-0.

Failed second and final reading on 2/26/2018 2-5 (Councilors Gerry, Young, Lasagna, Hayes, and Titus opposed).

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IN CITY COUNCIL

ORDINANCE 02-06042018

BE IT ORDAINED, that the City Council hereby amends the Auburn Zoning Map from Multi-Family Urban District to Neighborhood Business District for the property located at 33 Dunn Street (PID # 221-195), pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

Passage of first reading on 6-4-2018 (6-1 Councilor Titus opposed).

Passage of second and final reading on 6/18/2018 6-1 (Councilor Titus opposed).

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IN CITY COUNCIL

ORDINANCE 03-06182018

CITY OF AUBURN CITY COUNCIL

MORATORIUM ORDINANCE ON SOCIAL CLUBS AND RETAIL MEDICAL MARIJUANA CAREGIVER STOREFRONTS

The City Council of the City of Auburn, Maine (the "City") hereby amends the City's Code of Ordinances by adding the following words to Chapter 61, immediately following Chapter 60 (Zoning):

CHAPTER 61. MORATORIA

ARTICLE I. MORATORIA

Sec. 61-1. Moratorium on Social Clubs and Retail Medical Marijuana Caregiver Storefronts.

WHEREAS, the Maine Medical Use of Marijuana Act, codified at 22 M.R.S. §§ 2421 to 2430-B, (the "Medical Act") authorizes the possession, cultivation, and furnishing of medical marijuana to qualifying patients by caregivers, as those terms are defined in 22 M.R.S. § 2422; and

WHEREAS, section 401 of the Marijuana Legalization Act, codified at 28-B M.R.S. ch. 1 (the "Adult Use Act") authorizes municipalities pursuant to home rule authority to regulate adult use marijuana establishments, including cultivation facilities, products manufacturing facilities, testing facilities, and marijuana stores, as those terms are defined in 28-B M.R.S. § 102; and

WHEREAS, neither the Medical Act nor the Adult Use Act nor any state agency rules promulgated thereunder expressly authorize the operation of retail stores by registered caregivers for the purpose of selling medical marijuana or medical marijuana products to qualifying patients (hereafter, "Retail Medical Marijuana Caregiver Storefronts") or the furnishing or sale of marijuana or marijuana products to consumers for on-premises consumption (hereafter, "Social Clubs"); and

WHEREAS, during the first regular session, the 128th Maine Legislature considered LD 1539, "An Act to Amend Maine's Medical Marijuana Law," which, if enacted, would amend the Medical Act to expressly authorize the operation of Retail Medical Marijuana Caregiver Storefronts, and LD 238, "An Act to Amend the Maine Medical Use of Marijuana Act," which, if enacted, would expressly authorize municipalities to regulate registered caregiver operations; however, the ultimate disposition of LD 1539 and LD 238 is unknown at this time; and

WHEREAS, no specific regulations governing Social Clubs or Retail Medical Marijuana Caregiver

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Storefronts exist under the City's Code of Ordinances; and

WHEREAS, the City's Code of Ordinances is insufficient to prevent serious public harm that could result from the unregulated siting and operation of Social Clubs or Retail Medical Marijuana Caregiver Storefronts within the City; and

WHEREAS, the unregulated siting and operation of Social Clubs or Retail Medical Marijuana Caregiver Storefronts within the City raises legitimate and substantial questions about the impact of such facilities and related uses and activities on the City, including questions as to compatibility of such facilities with existing and permitted land uses in the City; potential adverse health and safety effects on the community; the adequacy of the City's infrastructure to accommodate such facilities; and the possibility of unlawful sale of marijuana and marijuana products; and

WHEREAS, as a result of the foregoing issues, the siting and operation of Social Clubs or Retail Medical Marijuana Caregiver Storefronts and related uses and activities within the City has potentially serious implications for the health, safety, and welfare of the City and its residents and visitors; and

WHEREAS, an overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of unregulated Social Clubs or Retail Medical Marijuana Caregiver Storefronts and related uses and activities located and operated in the City; and

WHEREAS, the City has established a working group charged with studying, reviewing, and making recommendations to the City Council regarding the regulation of adult and medical marijuana facilities, uses and activities, including Social Clubs and Retail Medical Marijuana Caregiver Storefronts; and

WHEREAS, the City and the working group needs time to understand the disposition of LD 1539, LD 238, and any State department rules promulgated pursuant to the Adult Use Act or the Medical Act in relation to its own Code of Ordinances and to evaluate the effects of Social Clubs and Retail Medical Marijuana Caregiver Storefronts and related uses and activities in order to prepare reasonable ordinance provisions governing the siting, licensing, and operation of such facilities, uses, and activities; and

WHEREAS, 30-A M.R.S. § 4356 authorizes the City to establish a moratorium on the processing or issuance of development permits or licenses; and

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

NOW, THEREFORE, be it ordained by the City Council of the City of Auburn, Maine, as follows:

1. Moratorium. The City does hereby declare a moratorium on the siting, operation, or licensing of any Social Club or Retail Medical Marijuana Caregiver Storefront within the City. For purposes of this Moratorium Ordinance, these terms shall have the following meanings:

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- a. “Social Club” shall mean any premises where marijuana or marijuana products are furnished or sold to consumers for on-premises consumption, excluding the personal adult consumption of marijuana or marijuana products pursuant to 28-B M.R.S. § 1501(2) or the consumption of medical marijuana or medical marijuana products pursuant to 22 M.R.S. § 2422 et seq.
 - b. “Retail Medical Marijuana Caregiver Storefront” shall mean a retail store, a retail business, or an establishment that resembles a retail storefront in terms of signage, hours of operation, and accessibility to patrons (including without limitation retail use or retail space, as those terms are defined in Article I, Sec. 60-2 of the City’s Code of Ordinances) where a licensed caregiver furnishes or sells marijuana or marijuana products to qualifying patients, as those terms are defined in 22 M.R.S. § 2422.
2. Date of Applicability. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, and regardless of the Effective Date, this Moratorium Ordinance shall govern and apply to all proceedings, licenses, and applications for a Social Club or Medical Marijuana Caregiver Storefront that were or are pending before the City Clerk, Code Enforcement Officer, or the Planning Board on or any time after **May 31, 2018** and, to the extent allowed by 30-A M.R.S. § 3007(6), shall nullify the issuance of any final approval of the City Clerk, Code Enforcement Officer, or the Planning Board made on or at any time after **May 31, 2018** that authorizes the operation of a Social Club or Medical Marijuana Caregiver Storefront (the “Date of Applicability”).
3. Effective Date. This Ordinance shall become effective immediately upon its final passage by the City Council (the “Effective Date”) and shall remain in full force and effect for a period of 180 days, unless extended, repealed, or modified in accordance with applicable law.
4. Conflicts; Savings Clause. Any provisions of the City’s Code of Ordinances that are inconsistent with or conflict with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Moratorium Ordinance is declared by a court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.
5. Violations. If any Social Club or Medical Marijuana Caregiver Storefront is located or operates in the City, in violation of this Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance and the City shall be entitled to all rights available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

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Given under our hands this 18th day of June, 2018.

Holly C. Lasagna
Robert P. Hayes
Alfreda M. Fournier
Belinda A. Gerry

Leroy G. Walker Sr.

A Majority of the City Council of the City of Auburn, Maine.

Passage on 6/18/2018 7-0 a motion by Councilor Fournier and seconded by Councilor Young to suspend the rules and dispense of the second reading with a unanimous vote of the City Council.
Passage 7-0.

Attest: A true copy of an ordinance entitled, "Moratorium Ordinance on Social Clubs and Retail Medical Marijuana Caregiver Storefronts," as certified to me by the municipal officers of the City of Auburn, Maine, on the 18th day of June, 2018.

Susan Clements-Dallaire 6/18/18
Susan Clements-Dallaire, City Clerk
City of Auburn, Maine

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IN CITY COUNCIL

ORDINANCE 04-06182018

BE IT ORDAINED, that the City Council hereby amends the Auburn Zoning Map from Suburban Residential District to General Business District for the following properties; 20 Niskayuna Street (PID # 301-004) and 1079 Turner St as shown on the attached map, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

Passage of first reading on 6/18/2018 6-1 (Councilor Titus opposed).
Passage of first reading on 7/2/2018 6-1 (Councilor Titus opposed).

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IN CITY COUNCIL

ORDINANCE 05-07162018

ORDINANCE AMENDMENT
CHAPTER 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES
DIVISION 4. PARKS AND RECREATION ADVISORY BOARD

Be it ordained by the Auburn City Council, that Chapter 2, Article V, Division 4, Sec. 2-454 be amended by striking the language under section (b) as shown below.

Sec. 2-454. Established; membership.

- (a) There shall be a parks and recreation advisory board, which shall be composed of eight members. All except the ex officio member of the board shall be appointed by the city council.
- (b) ~~Of the seven appointed members, there shall be no more than two members from the same ward. A member shall forfeit his membership if he becomes a resident of a ward in which two members of the board already reside.~~
- (c) Serving as the ex officio member shall be the director of parks and recreation, who shall also serve as secretary to the board.
- (d) Nothing in this article shall preclude the creation of standing subcommittees.

Passage of first reading 7/16/2018 5-0 (Councilors Lasagna and Titus absent). Passage of second reading on 8/6/2018 7-0.

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IN CITY COUNCIL

ORDINANCE 06-10152018

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits to incorporate the following maximum levels of assistance to be effective on and after October 1, 2018 through September 30, 2019, as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

- (a) Each year the Maine Municipal Association provides for the city three appendices providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:
 - (1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.
 - (2) Appendix B, a listing of maximum levels of assistance for food.
 - (3) Appendix C, a listing of maximum levels for heated and unheated housing.
- (b) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the office of the city clerk.

Editor's note— The appendices referred to in this section are not codified but are available in the office of the city clerk.

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Appendix A – GA Overall Maximums
 Effective 10/1/2018 – 9/30/2019

TOTAL NUMBER IN HOUSEHOLD:	1	2	3	4	5
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	669	736	923	1,193	1,461

Add \$75.00 for each additional person

Appendix B – Food Maximums
 Effective 10/1/2018 – 9/30/2019

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2018, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	44.65	192
2	82.09	353
3	117.44	505
4	149.30	642
5	177.21	762
6	212.56	914
7	235.12	1,011
8	268.60	1,155

****Note: For each additional person, add \$144 per month.**

Appendix C – Rental Maximums
 Effective 10/1/2018 – 9/30/2019

Lewiston/Auburn MSA Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	117	503	140	604
1	125	540	154	664

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2	165	711	197	847
3	211	907	254	1,094
4	261	1,122	314	1,349

Public hearing and passage of first reading on 10/15/2018 7-0.
Passage of second reading on 11/5/2018 6-0 (Councilor Walker
absent).

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IN CITY COUNCIL

ORDINANCE 07-10152018

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.
- (d) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.
- (e) 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.

Passage of first reading on 10/15/2019 5-2 (Councilors Titus and Gerry opposed).

Passage of second reading on 11/5/2019 4-3 (Councilors Titus, Gerry, and Fournier opposed).