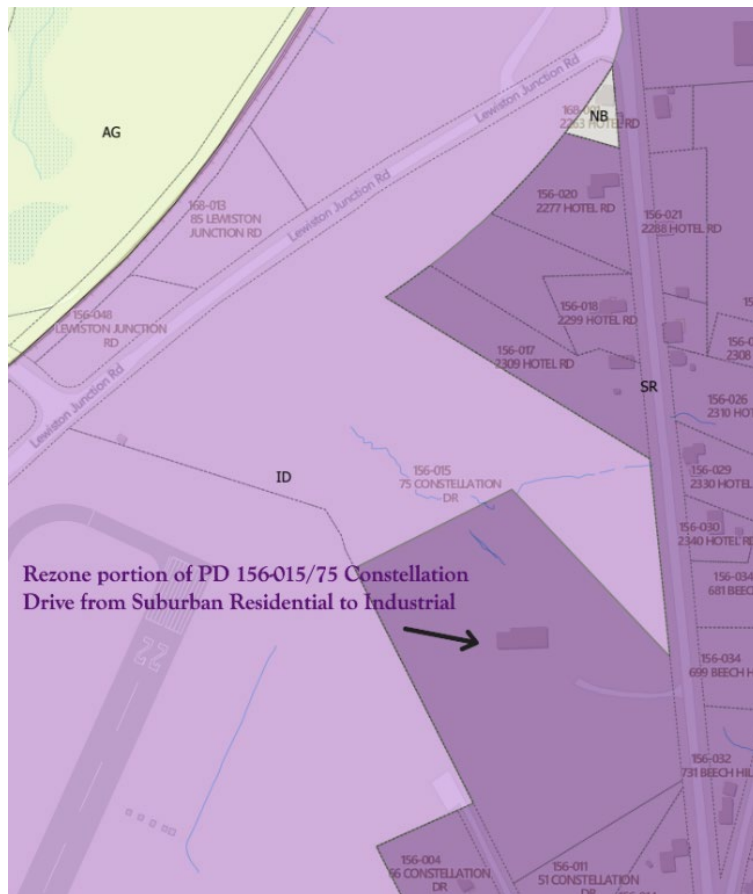


City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED, that THE CITY OF AUBURN hereby amends Auburn’s Code of City Ordinances as follows:

Pursuant to Chapter 60, Article XVII, Division 2 of the Auburn Zoning Ordinance, the official zoning map of the City of Auburn shall be amended so that the Roundy Property (Parcel I.D. 156-015), consisting of approximately 23.96 acres, of which approximately 8.7 acres is currently zoned Suburban Residential, is rezoned to the Industrial District. The remaining acreage of the parcel is already zoned Industrial and will remain unchanged.

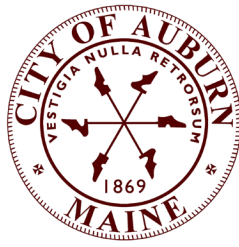


1/5/26, passed first reading, 7-0.
1/20/26, passed second reading, 6-0 (Randall absent).

Rachel B. Randall, Ward One
Kelly L. Butler, Ward Four
Belinda A. Gerry, At Large

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

Mathieu L. Duvall, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

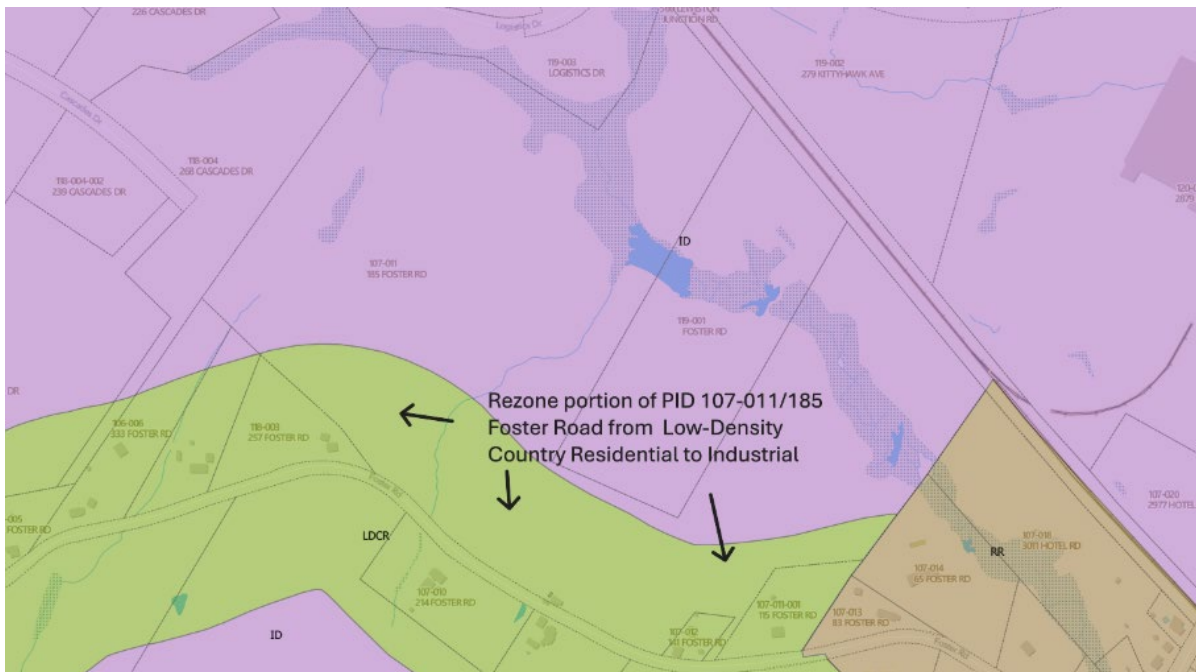


City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED, that THE CITY OF AUBURN hereby amends Auburn’s Code of City Ordinances as follows:

Pursuant to Chapter 60, Article XVII, Division 2 of the Auburn Zoning Ordinance, the official zoning map of the City of Auburn shall be amended so that the property at 185 Foster Road (Parcel I.D. 107-011), consisting of approximately 76.29 acres, of which approximately 18.5 acres is currently zoned Low Density Residential, is rezoned to the Industrial District. The remaining acreage of the parcel is already zoned Industrial and will remain unchanged.

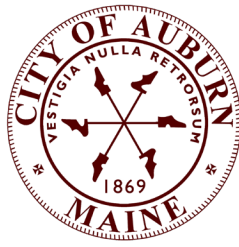


1/5/26, passed first reading, 7-0.
1/20/26, passed second reading, 6-0 (Randall absent).

Rachel B. Randall, Ward One
Kelly L. Butler, Ward Four
Belinda A. Gerry, At Large

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

Mathieu L. Duvall, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED, that the City of Auburn amends the Moratorium Ordinance on Needle Exchange Services (Ordinance 06-08182025) as follows:

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

WHEREAS, the City Council previously adopted Ordinance 06-08182025, imposing a moratorium on the establishment, expansion, or operation of needle exchange services within the City of Auburn while the City reviews and evaluates policy and ordinance options;

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

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

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

NOW, THEREFORE, the Auburn City Council hereby ordains that Ordinance 06-08182025 is amended as follows:

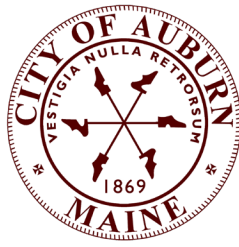
1. **Amendment to Duration.** Section 3 ("Duration") of Ordinance 06-08182025 is hereby amended to read as follows (new language Bolded for drafting purposes only):

3. Duration. This Moratorium Ordinance shall become effective immediately upon its final passage by the City Council ("Effective Date") and shall remain in effect for a period of **180 days from its effective date, and is hereby extended for an additional 180 days (for a total of 360 days from the Effective Date)**, unless extended, modified, or repealed by the City Council.

2. **All Other Provisions Unchanged.** Except as expressly amended herein, all other sections and provisions of Ordinance 06-08182025, including the moratorium imposed and applicability language, shall remain in full force and effect.

Passed first reading, 1/20/26 6-0.

Passed second reading, 2/2/26, 7-0.



City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED, that THE CITY OF AUBURN adopts a Temporary Moratorium Ordinance on Rent Increases in Mobile Home Parks as follows:

WHEREAS, the City of Auburn has Mobile Home Parks that provide much-needed housing to individuals at or below median income levels;

WHEREAS, the City of Auburn is committed to the preservation of affordable housing within the City;

WHEREAS, rates for rental of Mobile Home Park lots in the City have been increasing rapidly in recent years;

WHEREAS, such increases are beyond the financial means of many mobile home park lot renters;

WHEREAS, many Mobile Home Park lot renters do not have the means or ability to move their mobile homes to alternate locations, which causes a reduction in their bargaining power and their ability to avoid the impact of rent increases;

WHEREAS, residents, especially senior residents, of mobile home parks are uniquely vulnerable to displacement when significant rent increases occur, and significant rent increases create undue hardship for residents through additional relocation costs, stress, anxiety, and the threat of homelessness due to the lack of alternative affordable housing;

WHEREAS, such lot rental increases may result in some lot renters being evicted and becoming homeless;

WHEREAS, certain Mobile Home Parks may be raising rents in response to the enactment of a State Law, P.L. 2025, ch. 399, An Act to Amend the Laws Governing Manufactured Housing Communities to Prevent Excessive Rent and Fees Increases;

WHEREAS, the City of Auburn does not currently regulate rental amounts or rent increases in Mobile Home Parks to ensure that rents remain affordable; and

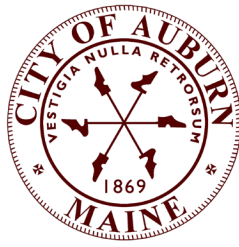
WHEREAS, the City of Auburn needs time to study and explore options for addressing rent increases in Mobile Home Parks including but not limited to a potential rent stabilization program to prevent excessive rent increases on Mobile Home Park residents and to ensure that Mobile Home Park owner(s) receive a just and reasonable return on their investment(s).

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

Rachel B. Randall, Ward One
Kelly L. Butler, Ward Four
Belinda A. Gerry, At Large

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

Mathieu L. Duvall, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



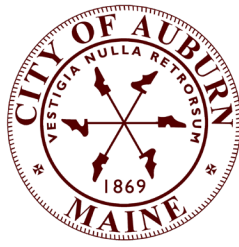
City Council Ordinance

1. **Moratorium Imposed.** No Mobile Home Park owner or manager may impose or implement an increase of Lot Rent on any person or entity who is a tenant of the Mobile Home Park while this Temporary Moratorium is in effect.
2. **Definitions.** For the purposes of this Temporary Moratorium Ordinance, the terms “Mobile Home Park” and “Lot Rent” shall have the following meanings:

Mobile Home Park—A parcel of land under unified ownership approved by the City of Auburn or otherwise used for the placement of three (3) or more manufactured homes.

Lot Rent—The total amount owed, per month, to maintain a manufactured home, as defined in 10 M.R.S. § 9081, at a Mobile Home Park, including but not limited to any mandatory, fixed charges or fees such as a connection, road maintenance, or recreation fee, but not including utility, telephone or broadband expenses.

3. **Applicability.** This Temporary Moratorium shall prevent the implementation of any Lot Rent increase while this ordinance is in effect, regardless of whether the Mobile Home Park owner or manager previously informed the tenant of its intent to raise the Lot Rent.
4. **Duration.** This Temporary Moratorium shall become effective immediately upon its final passage by the City Council (“Effective Date”) and shall remain in effect for a period of one hundred eighty (180) days from its Effective Date, unless extended, modified, or repealed by the City Council.
5. **Purpose.** The purpose of this Temporary Moratorium is to allow the City sufficient time to study the causes and impacts of rent increases in Mobile Home Parks and to consider and adopt appropriate amendments to the City’s ordinances.
6. **Enforcement.** This Temporary Moratorium shall be enforced by the City of Auburn City Manager or designee.



City Council Ordinance

- 7. Penalties.** Violation of any provision of this ordinance shall be punished by a civil penalty of \$200.00 per offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In the event that the City shall prevail in any action to enforce this section, the City shall recover its costs of suit, including reasonable attorney's fees.

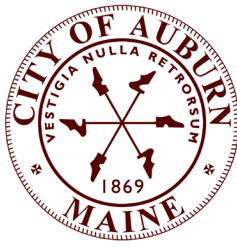
- 8. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance.

Passed first reading, 1/20/26 6-0.
Passed second reading, 2/2/26, 7-0.

Rachel B. Randall, Ward One
Kelly L. Butler, Ward Four
Belinda A. Gerry, At Large

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

Mathieu L. Duvall, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED, that THE CITY OF AUBURN hereby amends Auburn’s Code of City Ordinances Chapter 60, as attached (Version Labeled “Version A” with recommended changes from SNRB and PB), to increase protections of important agricultural soils, wetlands and steep slopes in the Agriculture and Resource Protection District.

Passed 7-0, 4/6/2026.

Rachel B. Randall, Ward One
Kelly L. Butler, Ward Four
Belinda A. Gerry, At Large

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

Mathieu L. Duvall, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
 - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20 percent of the land coverage or two acres, whichever is less, of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
 1. Residential structures;
 2. Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation);
 3. Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use of pipes, poles, wires, lines, conduits, cables or other devices;
 4. Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping;
 5. Structures accessory to the residential use; and
 6. Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

-
- b. New one-family detached dwellings shall:
1. Not be built within the Lake Auburn Watershed Overlay District;
 2. Provide a farm, [agricultural], recreational or natural resource use business or land use plan that has been approved by the planning and permitted director or their designee. The planning and permitting director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:
 - (i) The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, agricultural, recreational or natural resource use allowed under either subsection (a), permitted uses, or subsection (b), special exception uses, of this section.
 - (ii) The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, agricultural, recreational or natural resource use.
 - (iii) The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of section 60-146, and otherwise meets the requirements of this chapter.
 3. ~~Avoid being~~Not be sited on ~~soils farmland~~ of state ~~wide significance importance~~ or prime farmland as defined by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) unless it can be demonstrated to the code enforcement officer that ~~land that is not farmland of statewide importance or~~ prime farmland is not available within the building envelope, as determined pursuant to section 60-146 of this chapter, on the subject property;
 4. ~~Avoid being~~Not be sited on land determined to be essential habitat, as defined by the state department of inland fisheries and wildlife unless it can be demonstrated to the code enforcement officer that non-essential habitat is not available within the building envelope, as determined pursuant to section 60-146 of this chapter, on the subject property;
 5. ~~Avoid being~~Not be sited on wetlands;
 6. ~~Avoid being~~Not be sited on slopes greater than 25 percent; and
 7. Not be sited on any portion of a parcel that is classified as being:
 - (i) Currently enrolled in the State of Maine Farmland Tax Program;
 - (ii) Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
 - (iii) Currently enrolled in the State of Maine Open Space Tax Program.
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of subsections (a)(1)a. and (a)(1)b.2. above has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
- d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in subsections (a)(1)a. and (a)(1)b.2. above.

-
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
 - (3) Forest products raised for harvest, including, but not limited to, maple sugaring, firewood processing, Christmas tree cultivation, or mushroom cultivation.
 - (4) Field crop farms.
 - (5) Row crop farms.
 - (6) Orchard farms.
 - (7) Truck gardens.
 - (8) Plant and tree nurseries.
 - (9) Greenhouses.
 - (10) Handling, storage or processing and sale of forestry products or agricultural products.
 - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
 - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
 - (15) Marijuana manufacturing accessory to a licensed cultivation site.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501 that are not sited on prime farmland or farmland of statewide importance determined using the method required by 60-145(b)(19)(g).
 - (17) Natural resource uses.
 - (18) Small-scale recreational uses of land designed or intended for public use.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

-
- (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Non-small scale recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
 - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
 - (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - c. At least ten acres if designated a conservation cemetery.
 - (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
 - (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
 - (11) Wholesale nurseries, subject to the following conditions:

-
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

-
- b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.
- (18) Reserved.
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
 - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 - 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 - 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 - 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).
 - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the ~~agriculture committee and, if located in the resource protection district, the conservation commission~~ Sustainability & Natural Resource Management Board and carefully consider their recommendations.
 - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
 - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 - 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 - 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
 4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime ~~soils~~ and Farmland of Statewide Importance.* ~~All~~ solar energy generating systems proposed in the agriculture and resource protection district shall not be sited on prime farmland or on farmland of statewide importance as defined by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). The determination of whether land is prime farmland or farmland of statewide importance shall be made by a soil scientist licensed by the Maine Department of Professional and Financial Regulation, whose services shall be paid for by the applicant, utilizing the most recent guidance provided by the Maine Department of Agriculture, Conservation and Forestry for the determination of prime farmland and farmland of statewide importance for the siting of solar projects. ~~include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:~~
- ~~1. Non-prime farmland is not reasonably available on the subject property.~~
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 2. A plan that provides habitat for native plants and animals and native pollinators.

(20) Municipal or public utilities and communication facilities.

(21) Municipal uses.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021; Ord. No. 02-02132023, 2-17-2023; Ord. No. 03-04182023, 5-1-2023; Ord. No. 10-06202023, 7-10-2023; Ord. No. 17-09052023, 9-18-2023)

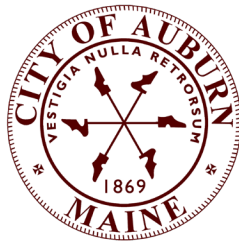
Sec. 60-146. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage along a publicly accepted street, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.
 - c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing less than ten acres, only if approved pursuant to subsection 60-145(a)(1).
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)c. above.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30 percent of the average depth of the lot.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021; Ord. No. 10-06202023, 7-10-2023; Ord. No. 17-09052023, 9-18-2023)

Secs. 60-147—60-199. Reserved.



City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED, that THE CITY OF AUBURN hereby amends Auburn’s Code of City Ordinances Chapter 60 to comply with LD-427 “An Act to Regulate Municipal Parking Space Minimums”, which prohibits a municipality from requiring more than one off-street parking space per dwelling unit and allows a developer to satisfy parking requirements through an off-site parking agreement within existing facilities located within a ¼ mile of the development site.

Passed first reading 4/6/26, 7-0.
Passed second reading 4/21/26, 7-0.

Rachel B. Randall, Ward One
Kelly L. Butler, Ward Four
Belinda A. Gerry, At Large

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

Mathieu L. Duvall, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE I. IN GENERAL

Sec. 60-1. Terms.

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

Lot. The term "lot" includes the words plot or parcel.

Person. The term "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Shall/may. The term "shall" is mandatory, the term "may" is permissive.

Tense. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

Used or occupied. The term "used" or "occupied" includes the words intended, designed, or arranged, to be used or occupied.

(Ord. of 9-21-2009, § 2.1)

Sec. 60-2. Definitions.

Parking agreement, means an agreement between a property developer and the owner of an off-site parking facility to provide required parking spaces within 1/4 miles of a development site.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

ARTICLE V. OFF-STREET PARKING AND LOADING

Sec. 60-607. General provisions and design standards.

Development of the parking and loading spaces required by this section is subject to the following general provisions and design standards:

- ~~(5) The required parking and/or loading spaces shall be provided on the same lot as the principal use, building or structure they are required to serve. For buildings other than dwellings, parking spaces may be located not more than 300 feet there from should practical difficulties prevent their provision on the same lot.~~
- (10) The planning board may impose conditions for off-street parking serving a business or industrial use which abuts the side or rear lot line of a lot in a residential district regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met. Any parking or loading space serving a business or industrial use which abuts the side or rear lot line of a lot in a residential district or use shall be ~~Screeningscreened shall include~~from said lot by a tight evergreen shrub hedge or similar landscaping, a fence, a solid wall or a combination of two or more of the foregoing. The screen landscaping, wall or fence shall be at least six feet high and may be extended no closer than 15 feet from the street line.
- (18) Required off-street parking as permitted in any residential or commercial zoning district in the Form Based Code areas for lots which cannot provide their own parking because of location, lot size or existing development may be substituted by parking facilities which, in the public's interest may be provided for by the municipality or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 1/41,000 milefeet of the principal building or use as measured along lines of public access. A developer engaged in an off-site parking agreement shall provide documentation demonstrating the availability of sufficient capacity at the off-site parking facility.
- ~~(19) In calculating the required number of off street parking spaces, the gross leasable area shall be used.~~

(Ord. of 9-21-2009, § 4.1A; Ord. No. 0403212016, 4-4-2016; Ord. No. 11-03012021, §§ 39, 71, 3-15-2021)

Sec. 60-608. Parking requirements.

A minimum number of off-street parking spaces shall be provided with each residential use permitted, erected, altered or changed, in accordance with the following standards:

Off-street land use	Minimum number of parking spaces
Residential	
Single-family; farm	1 space /dwelling per unit
Multifamily; two-family	1 space /dwelling per unit
Elderly**	One-half per dwelling unit
Affordable housing development	Off-street parking requirement may not exceed 2 spaces for every 3 units.

****Applies to elderly housing as constructed under special local, state or federal guidelines restricting occupancy to elderly persons.**

(Ord. of 9-21-2009, § 4.1B; Ord. No. 28-06212021, 7-19-2021; Ord. No. 23-12022024, 1-6-2025)

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-305. Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

Sec. 60-306. Use regulations.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

- (1) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).
- (2) Off-street parking lot, ~~provided that:~~
 - ~~a. — Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.~~
 - ~~b. — Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.~~

Sec. 60-361. General standards.

The following provisions apply to all planned unit development districts:

- (1) The dimensional requirements as stated in individual zoning districts shall apply within the PUD but may be increased or decreased due to individual site characteristics as determined by the planning board to promote the purposes set forth in section 60-359 of this chapter.
- (2) ~~Off-street parking and loading spaces shall be provided in accordance with article V of this chapter. The planning board may increase or decrease the required number of off-street parking spaces as stated in article V of this chapter in consideration of the following factors:~~
 - ~~a. The probable number of cars owned by occupants of dwellings in the planned unit development;~~
 - ~~b. The parking needs of any nonresidential uses;~~
 - ~~c. Varying time periods of use, and whatever joint use of common parking areas is proposed.~~
- (3) ~~Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.~~
- (4) A PUD involving residential uses shall reserve an amount of land equal to that required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD or open to the public. Land reserved to satisfy the open space requirement shall be:
 - a. Administered through a homeowner's association; or
 - b. Dedicated to and accepted by the city for public use; or
 - c. Land occupied by a major recreational use adjacent to a PUD-RR; or
 - d. Managed by a non-profit organization or land trust deemed capable of management by the planning board; or
 - e. A combination of a, b, c and/or d above.
- (5) All of the requirements of the City Code of Ordinances applicable to the zoning district not addressed in this division, shall apply.
- (6) Before granting approval of the final development plans, the planning board must find that said plan addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved::
 - a. The proposed development has an appropriate relationship to the surrounding area;
 - b. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and exhaust. Proper circulation in parking areas is designed for safety, convenience, separation and screening;
 - c. Adequate open space has been provided with consideration given to preservation of natural features including trees and drainage areas, topographic features, recreation and views.
 - d. Privacy in terms of needs of individuals, families and neighbors;
 - e. Pedestrian and bicycle traffic in terms of safety, separation, convenience and access points;
 - f. Building types in terms of appropriateness to density, site relationship and bulk;

-
- g. Building design in terms of orientation, spacing, character, storage, signs and lighting;
 - h. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
 - i. Preservation of historically or architecturally significant buildings or places, if any;
 - j. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued, except as allowed by section 60-360(a) in the case of a PUD-RR.
 - k. That the proposal meets the requirements of section 60-1335, special exception of this ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-35. Conversion of one-family dwellings.

In all residential, general business and form based code districts, one-family dwellings erected prior to January 1, 1958, may be converted to two-family dwellings provided that:

- (1) Any floor space created by additions to the existing structure after January 1, 1958, shall not be converted to a second dwelling.
- ~~(2) There will not be less than one accessible off-street parking place of 200 square feet in area, exclusive of driveways, per dwelling unit resulting from such conversion.~~
- (3) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.
- (4) After such conversion, the building converted will retain substantially the appearance and character of a one-family dwelling.
- (5) Single-family dwellings may be converted into two- or multi-family buildings if located in the growth area as delineated in the future land use map of the most recent comprehensive plan and pursuant to sections 60-53 and 60-54.
- (6) Lots in the designated growth areas that are zoned urban residential, suburban residential, rural residential, and low-density country residential shall contain no more than two dwelling units per building.

(Ord. of 9-21-2009, § 3.1C; Ord. No. 04-03072016, 5-16-2016; Ord. No. 23-12022024, 1-6-2025)

Sec. 60-499. Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Warehouses, wholesale offices, salesrooms and showrooms.
- (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
- (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (20) Animal hospitals and pet shops, but no kennels.
- (21) Business equipment repair and business services.
- (22) Radio and television studios.
- (23) Printing shops, but not publishing plants.
- (24) Retail, service, office and commercial uses similar to the foregoing.
- (25) Carwashes.
- (26) Accessory uses, building and structures.
- (27) Shelters for abused persons.
- (28) Greenhouses and lawn maintenance services.
- (29) Temporary outdoor places of amusement.
- (30) Churches and temples.

-
- (31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.
- (32) Marijuana cultivation accessory to a licensed retail store on the same property.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) Automobile filling stations.
 - (2) Automobile repair and service stations.
 - (3) Automobile and marine sales lots and sales and service agencies.
 - (4) Automobile and marine paint and body repair shops.
 - (5) Hospitals, care homes, boardinghouses and lodginghouses.
 - (6) Research or philanthropic institutions.
 - (7) Outdoor theaters.
 - (8) Drive-in or carry-out restaurants.
 - (9) Commercial parks.
 - (10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.
 - (11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.
 - (12) Off-street parking as a commercial or municipal use, ~~provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.~~
 - (13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
 - (14) Convenience stores.
 - (15) Research, experimental and testing laboratories.
 - (16) Landscape services.
 - (17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.
 - (18) Automotive towing and storage.
 - (19) Major retail development provided that it meets the conditions noted in section 60-45(g).
 - (20) Outpatient addiction treatment clinics.
 - (21) Adaptive reuse of structures of community significance.
 - (22) Public safety services.
 - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
 - (23) Government services.

-
- a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
- (24) Manufacture, compounding or assembling of articles using Maine derived forest products, agricultural products or other natural resource inputs.
- a. The property is located in the Maine Forest Bioproducts Advanced Manufacturing Tech Hub Overlay District.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021; Ord. No. 02-02132023, 2-17-2023; Ord. No. 09-05062024, 5-20-2024)

Sec. 60-669. Mobile home park standards.

Mobile home parks proposed to be established must have a minimum of three lots and be located within 1,500 feet of municipal sewer and water. Mobile home parks shall meet all of the following standards set forth in this division:

- (1) *Minimum lot size.*
 - a. The minimum lot size shall be 5,000 square feet.
 - b. The following frontage and setbacks shall apply:

Frontage	50 feet
Front setback	15 feet
Side	10 feet
Rear	10 feet

- (2) *Parking in front yard to zero lot line.* Setbacks may be reduced along rear lot lines of lots adjacent to abutting property where buffers are proposed along the perimeter of the proposed park.
- (3) *Siting.* All mobile home lots shall be laid out on the proposed subdivision and site plan showing approximate pad locations prior to final approval. On sites/lots which abut rear lot lines, the pads shall be offset as to not obstruct view from the rear portion of each unit. Units/lots that abut public roads shall meet front yard setbacks established by the zone in which the park is proposed.
- (4) *Off-street parking requirements.*
 - a. Off-street parking in the form of parking lots or carports for mobile home parks shall meet the same standards as provided in article V of this chapter.
 - ~~b. Residential parking spaces need not be located on lots occupied by the dwelling units served, but at least two such spaces per unit shall be reserved for, and located within 100 feet walking distance of the dwelling unit it is intended to serve. No on-street parking will be provided.~~
 - ~~b.e.~~ Parking on each individual lot will be allowed to infringe the principal structure setbacks. All off-street parking must be of an impervious material. All off-street parking lots proposed must be shown on the site and subdivision plans at time of planning board review.
 - ~~c.d.~~ Lots with 50 feet of frontage will allow parking within the ten-foot side yard setback and associated front setback.
- (5) *Buffering and landscaping.*
 - a. All parks shall provide and maintain a buffer strip of 50 feet around the perimeter of the mobile home park. If the per acre density of homes within the mobile home park is at least two times greater than:
 1. The density of residential development on immediately adjacent parcels of land; or
 2. If the immediately adjacent parcels of land are undeveloped, the maximum net residential density permitted by applicable municipal ordinances or state law. This buffer must include either a wooden stockade fence, a chainlink fence with vegetative cover at a minimum height of six feet or the buffer must be heavily vegetated with coniferous trees that at the time of planting must be six feet in height. Heavily vegetated is considered to mean trees planted in a row at least eight feet on center. The buffer vegetation shall not exceed 25 feet in width. Each row shall be offset from the adjacent row. The planning board may

allow a reduction in the buffer width, if the developer can prove that the intent of this provision is not impaired.

- b. Where possible, existing trees shall be preserved, mobile home sites shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas. Areas such as wetlands shall be preserved in accordance with the Army Corps of Engineers standards.
 - c. Open space, storage or recreation requirements shall not exceed ten percent of the combined area of the individual lots within a mobile home park. If the developer wishes to develop more than ten percent open space, storage and/or recreation area, he may do so.
- (6) *Accessory buildings and utility sheds.*
- a. Utility sheds or accessory buildings will be allowed along the rear portion of the lot and along the rear lot line and shall not exceed two percent of the lot size.
 - b. At least one large storage facility may be required in the park in order to store such items as recreation vehicles, boats, snowmobiles and all other licensed and unlicensed recreation vehicles which might otherwise be stored in a parking space to be utilized by an individual unit. This area shall in total not be less than 50 square feet for each mobile home lot and shall have screening around the storage area on all four sides. Fully enclosed security fencing is encouraged.
- (7) *Street design standards.* Privately owned and maintained streets shall meet the following requirements:
- a. Streets shall have a right-of-way of 23 feet in width, and pavement shall be 20 feet in width.
 - b. Intersections proposed as part of the mobile home park which will tie directly into city accepted streets, shall meet minimum intersection geometric design standards as developed by the institute of transportation engineers or the American Association of State Highway and Transportation Officials.
 - c. All street design plans must be stamped and signed by a registered professional engineer.
- (8) *Refuse.* Refuse containers shall be conveniently located throughout the site at a rate of one eight yard garbage container for every 20 mobile home units and shall be fenced in on three sides in order to protect the health and safety of the park residents. This standard is based on a weekly pickup and may be reduced if pick-up is more frequent. In the event lot-to-lot pickup is provided by the park management, this provision shall be waived.
- (9) *Fire hydrants.* Fire hydrants shall be placed at a distance of no more than 1,000 feet apart in order to service the complete mobile home park.
- (10) *Mailboxes.* Must be established in such a manner that at a minimum five vehicles may be able to either park or be queued in order to pick up mail at the proposed mail box location. This location must also be approved in writing by the local postmaster.
- (11) *Design and anchoring of units.* All units being established within an approved mobile home park are subject to all standards noted in section 60-1010(d)(1) through (10).
- (12) *Site plan standards for review.* Provisions of this section are subject to both division 4, subdivision, and division 2, site plan review, of article XVI of this chapter for review.
- (13) *PUDs.* Planned unit developments (PUDs) are encouraged under section 60-385. If a developer proposes a park under the PUD section, then all standards and sections of that article must be met.

(Ord. of 9-21-2009, § 4.3E; Ord. No. 11-03012021, § 37, 3-15-2021)

PART II - CODE OF ORDINANCES
 Chapter 60 - ZONING
 ARTICLE IV. - DISTRICT REGULATIONS
 DIVISION 14. FORM BASED CODE

DIVISION 14. FORM BASED CODE¹

Subdivision I. In General

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU	Dwelling unit
=	

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P	<u>P</u>	<u>P</u>	1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room

¹Editor's note(s)—Ord. No. 04-03072016, adopted May 16, 2016, repealed former Div. 14, §§ 60-546—60-549, in its entirety and enacted new provisions as herein set out. Former Div. 14 pertained to the central business district and derived from Ord. of 9-21-2009, §§ 3.69A—3.69D; Ord. of 2-16-2010.

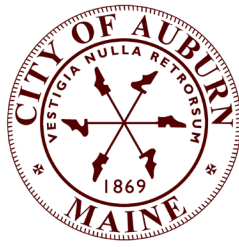
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S	P	P	P	P	None
Retail Type Use							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor	X	X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None
Civic							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and	S	S	S	S	S	S	None

communication facilities(5)							
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- ~~(2) * Parking requirements in T 4.1, T 4.2B, T 4.2, T 5.1, T 5.2 and T 6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.~~
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
- (4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.
- (5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
- ~~(6) For an affordable housing development, off street parking requirements may not exceed two spaces for every three units.~~

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023; Ord. No. 23-12022024, 1-6-2025)



ORDINANCE 07-04212026

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED, that THE CITY OF AUBURN hereby amends Chapter 2, "Administration" of the City's Code of Ordinances regarding Article VIII. "Citation System of Code Enforcement", as seen on the attached.

Passed first reading 4/21/26, 7-0.
Passed second reading 5/4/26, 7-0

Rachel B. Randall, Ward One
Kelly L. Butler, Ward Four
Belinda A. Gerry, At Large

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

Mathieu L. Duvall, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE VIII. CITATION SYSTEM OF CODE ENFORCEMENT¹

DIVISION 1. GENERALLY

Sec. 2-605. Applicability; enforcement officials.

- (a) This article shall apply to enforcement proceedings under the following:
- (1) Chapter 12, article III, the building code.
 - (2) [Chapter 14, article II, licenses](#)
 - (23) Section 18-1, pertaining to prohibited activities in Lake Auburn watershed.
 - (34) Chapter 18, article II, pertaining to soil disturbance and fill standards.
 - (45) Chapter 18, article III, pertaining to post-construction stormwater management.
 - (56) Chapter 20, article III, the fire code.
 - (67) Chapter 12, article III, division 2, the electrical code.
 - (78) Chapter 12, article IV, the housing code.
 - (89) Chapter 44, pertaining to solid waste.
 - (910) Chapter 46, pertaining to streets, sidewalks and other public places.
 - (1011)——Chapter 60, pertaining to zoning.
- (b) The inspectors under the various codes are referred to in this article collectively as enforcement officials.
(Code 1967, § 33-1.1)

Sec. 2-606. Effect of article on other ordinances.

This article does not supersede or repeal other enforcement procedures or preclude the initiation of other enforcement proceedings under state law or other municipal ordinances ~~except to the extent that enforcement proceedings are inconsistent with this article.~~ The enforcement official has discretion to enforce violations of ordinance or state law under this article and / or pursuant to other authority.

(Code 1967, § 33-2.10)

¹State law reference(s)—Enforcement of civil violations, 17-A M.R.S.A. § 17.

Sec. 2-607. Investigation of violation.

Upon receipt of information indicating the likelihood of a violation subject to this article, the enforcement official or ~~a his~~ duly authorized agent shall investigate the facts and may ~~make an inspection of~~ inspect the premises when legally authorized to do so.

(Code 1967, § 33-1.2)

Sec. 2-608. Notice of violation and Order of Correction.

(a) If the investigation reveals that a code violation has occurred, the enforcement official shall give written notice of such violation to the person having control of the land, building, structure or sign involved in the violation, referred to in this section as "the violator," and ~~demand order~~ that the violation be corrected.

(b) Notice of the violation may be served as follows:

(1) delivered in hand to the violator or by leaving a copy thereof at the violator's dwelling house or usual place of abode left for him with a person of suitable age and discretion then living therein in the same household. 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 planning and development.

(2), or mailed to him the violator by certified mail to his last known address. If the return receipt is not returned, a notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.

(c) ~~Such A~~ notice of violation shall

(1) be in writing;

(2) include a statement of the reasons why it is being issued;

(3) describe the violation, including a reference to the ordinance section violated;

(4) specify a reasonable period as to each violation within which corrective action must be completed; ~~and~~

(5) state the potential consequences if the violation is not corrected; and ~~The notice~~

(6) inform the violator of the right to dispute the order and how that right is exercised by appeal, and specify the consequences of the failure to appeal shall also advise the property owner of his right to appeal to the appropriate authority if he disagrees with the enforcement official's determination that he is violating the ordinance.

(Code 1967, § 33-1.3)

Sec. 2-609. Civil proceedings.

If appropriate action to correct the violation has not been taken within the period established in this article, the enforcement official or the city solicitor may initiate appropriate court proceedings to prevent, correct or abate the violation. Such court proceedings may include the initiation of a land use complaint pursuant to rule 80K of the Maine Rules of Civil Procedure.

(Code 1967, § 33-1.4)

Sec. 2-610. Penalties.

~~The following penalties shall apply to citations issued pursuant to this division as defined in the city's fee schedule. The enforcement official or the city solicitor seek penalties pursuant to 30-A M.R.S. § 4452 as applicable.:~~

~~First citation \$105.00~~

~~Second citation \$210.00~~

~~Third citation \$420.00~~

~~Fourth and subsequent citations \$840.00~~

~~(Ord. of 5-3-2010)~~

Secs. 2-611—2-636. Reserved.

DIVISION 2. ALTERNATIVE ENFORCEMENT PROCEDURE

Sec. 2-637. Issuance of citation.

If appropriate action to correct the violation has not been taken within the period established by the enforcement official pursuant to this article, he may, as an alternative to initiating court action, issue a citation to the violator.

(Code 1967, § 33-2.1)

Sec. 2-638. Contents of citation.

- (a) ~~The citation provided for in this division shall be in writing, describe the nature of the violations, including the ordinance sections violated, and state the dates by which the violations were to have been corrected, that a civil penalty of \$50.00 has been imposed for the violation, the date by which the penalty must be paid and to whom, and the consequences of failing to pay within the period stated.~~

The citation provided for in this division shall be in writing, describe the nature of the violations, including the ordinance sections violated, and state the dates by which the violations were to have been corrected, that a civil penalty as established in the fee schedule set forth later in this chapter has been imposed for the violation, the date by which the penalty must be paid and to whom, and the consequences of failing to pay within the period stated.

- (b) The number of days allowed by the enforcement official within which corrective action must be taken shall be reasonable given the notice period previously given to the violator, the nature of the violation to be corrected, and the time which the code enforcement official estimates will be required to perform the corrective work.
- (c) The citation shall also advise the violator of his right to request an extension of time to correct the violation as provided in this division. The citation shall state that an additional civil ~~penalty of \$100.00 penalties~~ will be imposed and that further citations may be issued if the violation has not been corrected within the time specified.

(Code 1967, § 33-2.2)

Sec. 2-639. Time limits for corrective action.

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

Immediate risk or nuisance means a condition or circumstance which poses an immediate threat to the health or safety of individuals or their property.

Long term risk or nuisance means a condition or circumstance which does not pose an immediate threat to the health or safety of individuals or their property, but could cause a hazard or create a physical or aesthetic nuisance if not corrected.

Short term risk or nuisance means a condition or circumstance which, while posing a serious threat to the health or safety of individuals or their property, is not likely to occur so soon as to be an immediate danger.

(b) *Time periods which corrective action taken.* The following time periods within which corrective action must be taken shall be presumed to be reasonable for purposes of this article:

Description of risk	Corrective action time period
Immediate risk or nuisance	Zero hours to 24 hours
Short-term risk or nuisance	24 hours to one week
Long-term risk or nuisance	One week to 30 days

(Code 1967, § 33-2.3)

Sec. 2-640. Service of citation.

- (a) Citations issued pursuant to this division may be delivered in hand to the violator or left ~~for him~~ with a person of suitable age and discretion living in the same household. If the violator is a corporation, citations may be served on an authorized official, or, if none is available, upon any employee of the corporation.
- (b) Citations may also be served by certified mail, return receipt requested. If the return receipt is not signed, the citation shall be presumed to have been served if also sent by ordinary mail which has not been returned by the postal service.

(Code 1967, § 33-2.4)

Sec. 2-641. Amount of penalty.

~~(a) The penalties for violations punishable by citations under this division shall be as defined in the city's fee schedule, as follows:~~

~~First citation \$105.00~~

~~Second citation \$210.00~~

~~Third citation \$420.00~~

~~Fourth and subsequent citations \$840.00~~

~~(b) The fines imposed shall be cumulative.~~

~~(Code 1967, § 33-2.5; Ord. of 5-3-2010)~~

Sec. 2-642. Further citations.

~~If the corrective action required has not been taken within the time specified in the first citation issued under this division, the code enforcement official may issue a second citation. The second citation shall contain the same information set forth in the first citation regarding the nature of the violation, but may do so by reference to the first citation in the discretion of the code enforcement official. It shall also state that, in addition to the previous civil penalties, a civil penalty of \$200.00 will be imposed and that further citations may be issued if the violation has not been corrected within the specified time. The time limit indicated may be the same as the time allowed in the first citation or may be altered if there has been a change in circumstances. The same procedure may be repeated by the issuance of a third citation punishable by a civil penalty of \$500.00 if the corrective action has not been taken within the time specified.~~

If the corrective action required has not been taken within the time specified in the first citation issued under this division, the code enforcement official may issue a second citation. The second citation shall contain the same information set forth in the first citation regarding the nature of the violation but, may do so by reference to the first citation in the discretion of the code enforcement official. It shall also state that, in addition to the previous civil penalties, an additional civil penalty of two hundred ten dollars (\$210) will be imposed and that further citations may be issued if the violation has not been corrected within the specified time. The time limit indicated may be the same as the time allowed in the first citation or may be altered if there has been a change in circumstances. The same procedure may be repeated by the issuance of a third citation punishable by a civil penalty of four hundred twenty dollars (\$420) if the corrective action has not been taken within the time specified. Any fourth and each subsequent citation shall be punishable by a civil penalty as defined in the city's fee schedule, of eight hundred forty dollars (\$840). The fines imposed shall be cumulative.

(Code 1967, § 33-2.6)

Sec. 2-643. Interest on unpaid penalties.

All civil penalties imposed by citation under this division shall be due within five days after the date the corrective action specified was to be taken. Interest computed at the rate of 18 percent per annum shall be added to all unpaid civil penalties beginning five days after the date that the civil penalty became due. The code enforcement official or the city solicitor may initiate appropriate proceedings to collect any civil penalties which are not promptly paid, together with all outstanding interest.

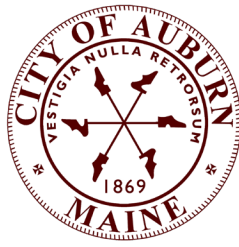
(Code 1967, § 33-2.7)

Sec. 2-644. Extension of time to correct violation.

In any case in which the violator asserts that there is good cause for extending the period during which the violation can be corrected under this division, he may request such an extension from the enforcement official in writing, setting forth the reasons for the request. The filing of such an application shall not suspend the running of the time limit specified. The enforcement official shall act upon the request within two working days of its being presented. The decision of the enforcement official shall be final.

(Code 1967, § 33-2.8)

Secs. 2-645—2-661. Reserved.



ORDINANCE 08-04212026

City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED, that THE CITY OF AUBURN hereby amends Chapter 14, "Business Licenses and Permits", of the City's Code of Ordinances as seen on the attached.

Passed first reading 4/21/26, 7-0.
Passed second reading 5/4/26, 7-0.

Rachel B. Randall, Ward One
Kelly L. Butler, Ward Four
Belinda A. Gerry, At Large

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

Mathieu L. Duvall, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE II. LICENSES

Sec. 14-26. Compliance with state and local law and rules required.

- (a) Except as otherwise provided, no person shall engage in any business or activity, nor maintain any equipment or device, for which a license or permit is required, without having first complied with all applicable rules and regulations and having paid the proper fee and obtained a license therefore.
- (b) Specifically, all licensees and applicants for licenses are required to comply with state statutes and rules, city ordinances and rules and regulations of city departments which pertain to the business or activity for which a license is desired. State rules include and are not limited to:
 - (1) State of Maine Food Code 2013 as adopted by the Maine Department of Health and Human Services, Health Inspection Program, 10-144 CMR 200 and the Maine Department of Agriculture, Conservation and Forestry, 01-01 CMR 331, October 1, 2013.
 - (2) Rules Relating to Lodging Establishments, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Environmental Health 10-144 CMR 206, January 1, 2003.
 - (3) Rules relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Environmental Health Inspection Program 10-144 CMR Chapter 201, last Amended on October 7, 2012.

(Ord. No. 38-02072011-05, att. § 24-26, 2-7-2011; Ord. No. 07-12172012, § 24-36(a), 1-7-2013; Ord. No. 08-09222014, 10-6-2014)

Sec. 14-27. Penalty.

~~The violation of any provision of this division shall be punished by a civil penalty, payable to the city, of not less than \$100.00 and not more than \$2,500.00 for each offense, based on the severity of the offense and number of occurrences. Each act of violation and every day upon which any such violation occurs shall constitute a new and separate offense. In addition to such penalty, if the court finds for the city, the city shall recover its costs of suit, including reasonable experts' fees, reasonable attorneys' fees and reasonable and necessary investigative costs.~~

The violation of any provision of this division shall be addressed and enforced in accordance with ARTICLE VIII. CITATION SYSTEM OF CODE ENFORCEMENT. Each act of violation, and each day that a violation continues, shall constitute a separate and distinct offense. All enforcement actions, procedures, and associated processes shall follow the citation system established in Article VIII.

(Ord. No. 38-02072011-05, att. § 24-27, 2-7-2011)

Sec. 14-28. License for each location required.

A license is required for each place or premises where a business regulated by this chapter, or any part thereof, including storage, is conducted. No licensee shall engage in such business in any manner at any place without first obtaining such license. The provisions of this section shall not apply to the following licenses, except

that a separate license shall be required for each cart, vehicle, conveyance or other carrier employed by such licensees: peddler, solicitor, sound amplification and taxicab.

(Ord. No. 38-02072011-05, att. § 24-28, 2-7-2011)

Sec. 14-29. Written application to be on approved form; submitted with appropriate fee.

Except when otherwise provided by the ordinances of the city, every application for a license shall be made in writing to the city clerk or designee upon a form to be provided by the clerk. Such application shall be signed by the applicant. The proper fee shall be paid to the clerk at the time of filing the application.

(Ord. No. 38-02072011-05, att. § 24-29, 2-7-2011)

Sec. 14-30. Business beginning after application date.

The license fee for any business shall be due and payable before such business is begun, provided, that when the licensee begins such business after the expiration of six months of the current license year, then such licensee shall be required to pay one-half the applicable yearly license fee prescribed, except as provisions otherwise require payment of the full license fee.

(Ord. No. 38-02072011-05, att. § 24-30, 2-7-2011)

Sec. 14-31. Fees; waiver.

The fees for business licenses shall be paid by the owner or his agent in accordance with the business fee schedule established by the city council. The city council is the only authority allowed to waive fees prescribed by ordinance. An application for waiver of any fees must be presented in writing to the city clerk to be brought to the city council at its next available meeting.

(Ord. No. 38-02072011-05, att. §§ 24-31, 2-7-2011)

Sec. 14-32. Applicants required to furnish information.

- (a) Every applicant for a license shall furnish to the city the following information:
- (1) Complete and exact name under which the business is proposed to be operated;
 - (2) If the business is proposed to be operated by an individual under any assumed name, the name of such individual and his address;
 - (3) If the business is a partnership, the name and address of each partner;
 - (4) If the business is a corporation, the name and address of the officers of the corporation, and the location of the principal office;
 - (5) Nature of the business for which a license is desired;
 - (6) Proposed physical location; and
 - (7) Proof of ownership or legitimate interest in property where business is to be conducted.
- (b) In addition to the foregoing, the applicant shall furnish to the city clerk or designee such other information as may be required by him in order to enable him to determine the proper classification of the applicant and

the appropriate license fee and any other associated costs directly related to the application for a license, such as, but not limited to, the costs of public hearing ads and background check.

(Ord. No. 38-02072011-05, att. § 24-32, 2-7-2011)

Sec. 14-33. Investigation of applicants.

Wherever his approval is required or upon the request of the city clerk, the police chief may cause an investigation of any applicant for a license to be conducted prior to approval of such application for a license or permit.

(Ord. No. 38-02072011-05, att. § 24-33, 2-7-2011)

Sec. 14-34. Certification from city officials.

- (a) Before an applicant receives a license, the city clerk shall submit the application for certification to the code enforcement officer, fire chief, police chief and city treasurer or their designee.
- (b) Each city official has the authority to use back ground investigations, city records and any other means necessary to review each application in the course of the approval or denial process.
- (c) The code enforcement officer shall inspect the premises to determine whether the facilities are sanitary and in compliance with the provisions of land use regulations, building standards and codes as well as all state and city rules and regulations for the type of business activities intended to be conducted.
- (d) The fire chief shall determine whether the premises are free of a health safety and fire hazards and in compliance with all applicable standards.
- (e) The police chief shall certify that the applicant has not had a history of complaints or problems on the proposed business, applicants, owners or managers; where the approval of the license would be adverse to the public health, safety and welfare of the citizens of the city.
- (f) The city treasurer shall certify that all taxes and any monies due to the city have been paid or are current.
- (g) In any case where the city requires the approval of the building inspector, code enforcement officer, police chief, fire chief or any other city official prior to issuance of the license, it shall be the duty of the city clerk or designee to notify in writing the officials whose approvals are required.
- (h) The officials so notified, or their duly delegated representatives, shall approve or disapprove the application without delay and shall note their approval or disapproval thereon, stating the reasons for any disapproval.

(Ord. No. 38-02072011-05, att. § 24-34, 2-7-2011; Ord. No. 07-12172012, § 24-36, 1-7-2013)

Sec. 14-35. Hearing before city council; notice.

When required by the city council, a hearing will be held at which time the council shall decide whether to approve or disapprove any application for a license or permit. It shall be the duty of the city clerk or designee to notify the applicant of the time and place of the hearing. Such notice shall be mailed by the city clerk, postage prepaid, to the applicant at his last known address at least 48 hours prior to the date set for such hearing.

(Ord. No. 38-02072011-05, att. § 24-34, 2-7-2011; Ord. No. 07-12172012, § 24-36, 1-7-2013)

Sec. 14-36. Inspection of applicant's premises and merchandise.

Whenever required by state law, the ordinances of the city, the regulations of any city department, or upon the request of the city clerk, an inspection may be made of the applicant's premises or merchandise by the city assessors, police chief, fire chief, code enforcement officer, building inspector or other duly authorized city official prior to approval of any application for a license or permit. In addition, the premises or merchandise of every licensee shall be subject to such inspection at any time during the current license year; and the results of such inspections may be grounds for the suspension or revocation of any license issued by the city.

(Ord. No. 38-02072011-05, att. § 24-35, 2-7-2011)

Sec. 14-37. Disapproval by city officials; appeal to city council.

- (a) In any case where the city requires the approval of the building inspector, code enforcement officer, police chief, fire chief or any other city official prior to issuance of the license, it shall be the duty of the city clerk or designee to notify in writing the officials whose approvals are required.
- (b) The officials so notified, or their duly delegated representatives, shall approve or disapprove the application without delay and shall note their approval or disapproval thereon, stating the reasons for any disapproval. When required by the city council, a hearing will be held at which time the council shall decide whether to approve or disapprove any application for a license or permit. It shall be the duty of the city clerk or designee to notify the applicant of the time and place of the hearing. Such notice shall be mailed by the city clerk, postage prepaid, to the applicant at his last known address at least 48 hours prior to the date set for such hearing.
- (c) The decision and order of the council on such hearing shall be final and conclusive.

(Ord. No. 38-02072011-05, att. § 24-36, 2-7-2011)

Sec. 14-38. Grounds and procedure for denial of license applications; exceptions.

- (a) Except as otherwise specifically provided in this section, a license under this chapter shall be denied if the council makes a finding that:
 - (1) The applicant is a corporation that is not licensed to do business in the state;
 - (2) The applicant is a corporation, of which, at any time during the previous five years, a principal officer, or a person having an actual or beneficial ownership interest or management authority therein has been convicted of (a) any Class A, Class B, or Class C crime, or (b) a crime committed under the laws of the United States of America or of any other state or territory thereof, that is punishable (whether or not such punishment was actually imposed) by a sentence at least as harsh as that that is authorized for the commission of a Class C crime under state law; provided that such conviction was for an offense that is rationally related to the regulation of the business sought to be licensed;
 - (3) The applicant has been convicted of (a) any Class A, Class B or Class C crime, or (b) a crime committed under the laws of the United States of America or of any other state or territory thereof, that is punishable (whether or not such punishment was actually imposed) by a sentence at least as harsh as that that is authorized for the commission of a Class C crime under Maine law; provided that such conviction was for an offense that is rationally related to the regulation of the business sought to be licensed;
 - (4) The applicant has had his business license revoked within the five years preceding the date of the application;

-
- (5) The applicant is a corporation, person or other business entity which does or will employ a person (a) who will be substantially in the ownership or management of the business and the employee's business license has been revoked within the five years preceding the application; or (b) who was a principal of any corporation whose business license has been revoked within the five years preceding the application;
 - (6) The applicant is a corporation, person or other business entity of which any person is a principal who will be substantially involved in the ownership or management of the business and the principal's business license has been revoked within the five years preceding the application;
 - (7) The proposed licensed premises or its use fails to comply with zoning or other land use ordinances;
 - (8) The proposed licensed premises or its use fails to comply with any municipal ordinance or regulation;
 - (9) There exist on or about the premises proposed to be licensed conditions such as waste disposal violations, health or safety violations or other such conditions that unreasonably disturb, interfere with, or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use or enjoy their property in a reasonable manner;
 - (10) The applicant has knowingly furnished false or misleading information on his application.
- (b) No license or permit shall be issued by the city clerk or designee following a hearing at which the city council has disapproved any application for such license. In addition, the city clerk or designee shall deny a license or permit to any person whose application was disapproved by any city official whose approval was required.
 - (c) No license or permit shall be issued to any person who is indebted to the city upon any claim, tax or account that is more than 60 days delinquent. The city treasurer shall be responsible for making available to the city clerk or designee and any other license-issuing officers such information as is essential for compliance with this section.
 - (d) In case an application is disapproved, the city clerk or designee shall then notify the applicant in writing of such denial and shall refund the fee paid in. The city clerk or designee shall also notify the city council of such action at the next regularly scheduled meeting of the city council.
 - (e) In the event that the council, in an exercise of its sound discretion, determines that there exist extenuating circumstances with respect to the grounds for denial of a license or that the circumstances giving rise to the denial can be ameliorated by the imposition of conditions or limitations to the grant of a license, the council may, notwithstanding the grounds set forth in this section, grant a license to the applicant upon such conditions as the council in an exercise of its sound discretion deems to be just and appropriate.
- (Ord. No. 38-02072011-05, att. §§ 24-36, 24-37, 2-7-2011; Ord. No. 07-12172012, § 24-36, 24-37, 1-7-2013)

Sec. 14-39. Appeal.

- (a) Except as otherwise provided, appeals shall be made by filing a written notice of appeal with the office of the city clerk or designee within 30 days of the date of any such denial to the council in writing, whereupon a hearing will be scheduled, at which time the applicant shall have the right to be heard. It shall be the duty of the city clerk or designee to notify such applicants who have appealed, of the time and place of the hearing.
 - (b) Such notice shall be mailed by the city clerk, postage prepaid, to the applicant at the address furnished on the application form at least 48 hours prior to the date set for hearing. The city council may, at that time, approve any application previously denied by the affirmative vote of five or more members of the council.
- (Ord. No. 38-02072011-05, att. § 24-37, 2-7-2011)

Sec. 14-40. Issuance of licenses.

Except where the ordinances of the city require a license to be signed by some other official or where otherwise provided for by the city council, the city clerk or designee shall issue all licenses for which an application has been submitted and approved.

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

Sec. 14-41. Display of licenses.

Every license shall be kept prominently displayed at the place of business of the licensee named in the license, or, in the case of equipment licenses, the license shall be affixed to such machines or equipment as required to allow such license to be inspected at any time by any proper city official.

(Ord. No. 38-02072011-05, att. § 24-39, 2-7-2011)

Sec. 14-42. Change of location of licensed business.

No license issued in accordance with the provisions of this chapter for the conduct of any business at a fixed place designated in the license issued therefore shall be valid for the conduct of such business at any place other than that designated in such license.

(Ord. No. 38-02072011-05, att. § 24-40, 2-7-2011)

Sec. 14-43. Nontransferability.

Every license issued by the city shall be a personal privilege and shall not be assignable or transferable.

(Ord. No. 38-02072011-05, att. § 24-41, 2-7-2011)

Sec. 14-44. Duration of licenses; expiration date.

All licenses, except when otherwise provided, shall be for 12 months' duration and shall expire on the last day of the expiration month according to the following schedule:

Type of License	Term of License	Expiration
Adult Amusement Device	One Year	June
Automobile Graveyard	One Year	October
Beano/Bingo	Six Months, Or Up To Three Years Maximum	December
Bowling/Pool	One Year	Coincides With Food License
Circus/Traveling Amusement Show	Per Day	Per Event
Coin-Operated Device	One Year	June
Exhibition/Performance /Show	Per Day	Per Event
Flea Market	30 Days, 60 Days, 90 Days, Or One Year	Per Event
Food Service Establishment Class A—E, G	One Year	One Year From Date Of Issuance
Food Service Establishment Class F	Up To 30 Days	Per Event

Itinerant Vendor	30 Days, 60 Days, 90 Days, Or One Year	Per Event
Junk Collector/ Pawnbroker/Secondhand Dealer	One Year	Date Of Issuance
Mass Gathering/Event	Per Day	Per Event
Massage Establishment	One Year	Date Of Issuance
Motion Picture Theater	One Year	January
Outpatient Addiction Treatment Clinic	One Year	Date Of Issuance
Peddler	Up To 30 Days	Per Event
Roller Skating Rink	One Year	April
Roving Diner/Mobile Food Vendor	3 Months, 6 Months, One Year	April
Special Amusement	One Year	Coincides With Liquor License
Tattoo	One Year	Date Of Issuance
Taxicab/Taxicab Driver	One Year	December

(Ord. No. 38-02072011-05, att. § 24-43, 2-7-2011)

Sec. 14-45. Effective date.

Unless otherwise provided upon issuance of the license, the effective date of all licenses shall be the date of issuance.

(Ord. No. 38-02072011-05, att. § 24-44, 2-7-2011)

Sec. 14-46. Responsibilities of licensee.

It shall be the responsibility of the licensee of establishments regulated by this chapter to make certain that all rules and regulations prescribed by this chapter and state law are complied with, and each licensee shall cooperate fully with city officials to enforce such regulations.

(Ord. No. 38-02072011-05, att. § 24-45, 2-7-2011)

Sec. 14-47. City officials to notify ~~police~~ Planning, Permitting and Code Office of violators; prosecutions.

Any city ~~official having~~official who has knowledge of any person operating any business or activity regulated by this chapter without the required license, or violating any state or local regulations, shall furnish the ~~police chief~~ Planning, Permitting and Code office the name of such person. It shall be the duty of the ~~police chief~~Code Enforcement official to commence proceedings against the offenders of this chapter.

(Ord. No. 38-02072011-05, att. § 24-46, 2-7-2011)

Sec. 14-48. Suspensions and revocations; hearings.

- (a) Where provided, duly authorized city officials; police chief, fire chief or code enforcement officer; shall have the power to temporarily suspend licenses, upon written notification of violation, for a period of up to five calendar days, when the continued operation of the licensed business or activity presents a danger to the

health, safety or general welfare of the public. This temporary suspension can be revoked when the licensed business rectifies the deficiencies which presented the danger.

- (b) Any license issued by the city may be suspended or revoked by the city council and any license fees retained by the city, upon a finding by the council that the licensee has violated the ordinances of the city or the laws of the State, or has willfully or persistently failed to comply with any applicable rules and regulations. Any action to suspend or revoke a license may be commenced upon the initiative of the council, upon the recommendation of any city official charged with approving, inspecting or otherwise regulating the licensee's business or activity, or upon complaint from any resident of the city.
- (c) Prior to suspending or revoking a license, the city council shall hold a hearing at the regular meeting of the council or a special meeting thereof called for that purpose. At such a meeting, the licensee shall have the right to be heard. Notice of the hearing for suspension or revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by the city clerk, postage prepaid, to the licensee at his last known address at least 48 hours prior to the date set for hearing. The decision and order of the city council at such hearings shall be final and conclusive.

(Ord. No. 38-02072011-05, att. § 24-47, 2-7-2011)

Sec. 14-49. Exemptions from license requirement or fees.

- (a) Persons acting pursuant to an order or process of a court of competent jurisdiction and persons acting in accordance with their powers and duties as public officers, such as sheriffs and marshals, shall not be required to secure a local license.
- (b) Orphanages and public and private hospitals, as defined in the laws of the State, shall not be required to secure a local business license to operate a children's home or day care facility.
- (c) Persons selling, exclusively, farm, dairy, orchard or fish products of their own production shall not be required to obtain a local license.
- (d) No charge shall be made for the issuance of a solicitor's license, blasting permit or chimney cleaner permit; however, persons traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street selling magazines or other merchandise by sample, list or catalogue for future delivery shall be required to obtain a local itinerant vendor/peddler's license.
- (e) Persons licensed in accordance with state law to maintain an automobile graveyard or junkyard shall not be required to obtain a local license to also operate as a junk collector.
- (f) Persons who use their own homes to provide foster care to children shall not be required to obtain a local license.
- (g) Public or private school cafeterias and nursing homes shall not be required to obtain a local food service establishment license.
- (h) Minors operating a temporary concession stand on private property.

(Ord. No. 38-02072011-05, att. § 24-48, 2-7-2011; Ord. No. 22-10032022, 10-17-2022)

Sec. 14-50. Food sovereignty license exemption.

- (a) *Intent and purpose.* The intent and purpose of Auburn's Food Sovereignty Ordinance is to ensure that residents are provided unimpeded access to local food and to reduce governmental regulation of the local

food system to the fullest extent permitted by home rule authority under 30-A M.R.S.A. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7-A M.R.S.A. § 201 et seq.

(b) *Definitions.* As used in this section, the following words and phrases shall have the meanings indicated:

Consumer means any individual who purchases or otherwise receives local food or food products from a producer, grower or processor.

Grower means any individual who grows local food or food products.

Local food or food products means food, food products or drink grown, produced and processed by individuals within Auburn who sell or provide directly to consumers.

Local food system means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of Auburn and its residents.

Processor means any individual who processes or prepares local food or food products.

Producer means any individual who produces local food or food products.

(c) *Exemption.* Producers, growers, and processors of local food or food products in the city are exempt from licensure and inspection with respect to their provision or sale of local food and food products to consumers within the local food system of the city. To the extent this section conflicts with any portion of the Code of Ordinances of the city, this section shall prevail and, as it pertains to this section, that portion of code shall be inapplicable.

(Ord. No. 07-08072017, 8-21-2017)

Secs. 14-51—14-71. Reserved.