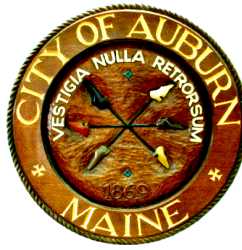


James Pross, Ward One  
Robert Stone, Ward Two  
Andy Titus, Ward Three  
Ernestine Gilbert, Ward Four



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 01-01042015

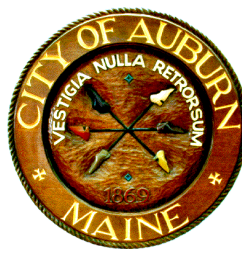
ORDERED, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for December 2015 through December 2017;

Ariel Gill	Warden
Connie Bilodeau	Warden
Lynn Bulmer	Warden
Whitney Blondeau	Warden
TBD	Warden

Beverly Ouellette	Ward Clerk
Robert Gardner	Ward Clerk
TBD	Ward Clerk
TBD	Ward Clerk
TBD	Ward Clerk

Passage on 1/4/2016 7-0.

James F. Pross, Ward One  
Robert D. Stone, Ward Two  
Andrew D. Titus, Ward Three  
Ernestine M. Gilbert, Ward Four



Jonathan P. LaBonté, Mayor

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

**Order # 02-01042016**

**TITLE: ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS AND A TAX LEVY THEREFOR**

**WHEREAS:** the City of Auburn has previously issued the following series of its general obligation bonds in furtherance of various municipal purposes (the “Prior Bonds”):

- \$13,000,000 2006 General Obligation Bonds dated November 1, 2006;

**WHEREAS:** due to the drop in available interest rates, the City desires to refund and refinance the \$4,405,000 callable portions of the Prior Bonds through issuance of its general obligation refunding bonds;

**Now therefore, be It Ordered by the Auburn City Council,** following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter:

THAT there be and hereby is authorized the issuance and sale of the City’s general obligation bonds in the amount of \$4,405,000, the proceeds of which, including premium, if any, and investment earnings thereon, are hereby appropriated for the following purpose (including costs of issuance, redemption premium interest to the redemption date, and any other costs related or ancillary thereto):

Amount	Category
<b>\$4,405,000</b>	<b>Advance Refund the Prior Bonds described above</b>

THAT the bonds shall be issued as authorized hereunder and shall be signed by the City’s Finance Director and its Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the City’s Finance Director.

THAT the bonds authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director.

THAT the authority and discretion to designate the bond or notes, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director.

THAT the City’s Finance Director, Treasurer, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, refunding escrow agreements, contracts, agreements, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the refunding of the Prior Bonds, as may be necessary or desirable.

James F. Pross, Ward One  
Robert D. Stone, Ward Two  
Andrew D. Titus, Ward Three  
Ernestine M. Gilbert, Ward Four



Jonathan P. LaBonté, Mayor

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

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT the authority to issue the bonds authorized hereunder shall automatically expire 2 years from the date of adoption of this Order.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before December 21, 2015, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on January 4, 2016.

**Public hearing and passage of first reading  
on 1/4/2016 7-0. Passage of second reading  
on 1/25/2016 7-0.**

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



Jonathan P. LaBonte, Mayor

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

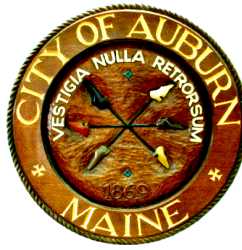
## IN CITY COUNCIL

ORDER 03-01252016

**ORDERED**, that the City Council hereby names Travis Barnies, Jonathan Edwards and Andrew Jarman as Constables with a firearm for the Auburn Police Department.



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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 04-01252016**

ORDERED, that the City Council hereby confirms the appointment of Assistant City Manager, Denis D'Auteuil, to the Lewiston-Auburn Transit Committee (LATC) with a three year term which will expire January 1, 2019.

Passage on 1/25/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 05-02222016**

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

Passage on 2/22/2016 6-0 (Councilor Walker absent).

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 06-02222016**

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

Passage on 2/22/2016 6-0 (Councilor Walker absent).

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

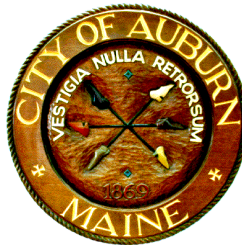
### **ORDER 07-02222016**

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

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

Passage on 2/22/2016 6-0 (Councilor Walker absent).

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 08-02222016

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

Francis M.  
Carignan

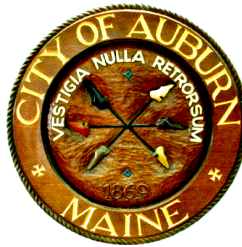
**Constable Process  
Server**

Without Firearm

Appointment

Passage on 2/22/2016 6-0 (Councilor Walker absent).

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 09-03072016**

ORDERED, that the City Council hereby approves the request to place temporary signs for the Park Avenue Elementary School's 2016 annual Spring Fest and Auction event at the locations on the attached document as long as their placement does not affect sight distance for streets or adjacent driveways. The signs will be placed the week before the April 9, 2016 event and removed the day after the event (April 10, 2016).

Passage on 3/7/2016 6-0-1 (Councilor Burns was not present for this vote).

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 10-03072016**

ORDERED, that the City Council hereby authorizes the Maine Home Show to place temporary signs in various locations throughout the City of Auburn for their 2016 event which takes place March 19<sup>th</sup> and March 20<sup>th</sup>, 2016, so long as their placement does not affect sight distance for streets or adjacent driveways. The signs will be up from March 14, 2016 to March 20, 2016 and will be placed at the following locations:

Intersection of Court & Turner St (2)

Center St -Veterans bridge intersection (2)

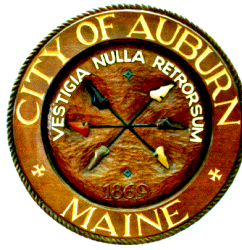
Court St Minot Ave Intersection (2-4)

Turner St, Veterans Bridge Intersection (2)

Main St & Mill St Intersection (New Auburn)

**Passage on 3/7/2016 6-0-1 (Councilor Burns was not present for this vote).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 11-03072016

ORDERED, that the City Council hereby authorizes the Kora Shrine Committee to place approximately 30 temporary signs in various locations throughout the City of Auburn for their 2016 Kora Shrine Circus which takes place April 15 and April 16, so long as their placement does not affect sight distance for streets or adjacent driveways. The signs will be placed approximately 10-14 days before the event and will be removed upon completion of the event. Placement of the signs will be as follows;

Court and Minot Ave – 4 signs on each corner  
Center St and N. River Road – 1 sign, northbound  
Center St and Mall – K Mart entrance - 2 signs, north and south  
Turner Street Entrance to Walmart – 4 signs  
Turner St and Mount Auburn Ave – 3 signs  
Court St and Park Ave - 1 (two sided) sign  
Minot Ave and Poland Rd out – 1 (two sided) sign  
Minot Ave and Hotel Rd intown – 1 (two sided) sign  
Washington St at Turnpike – 1 sign  
Washington St at Rotary northbound – 1 sign  
Broad St going across bridge - 1 (two sided) sign  
Broad St – So Main - 1 (two sided) sign  
Upper Cook St. and So. Main – 1 sign  
Riverside Dr – 1 sign  
Turner St (Masonic Lawn) - 1 (two sided) sign  
Washington St. by Discount Auto – 1 sign

Passage on 3/7/2016 6-0-1 (Councilor Burns was not present for this vote).



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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 12-03072016**

ORDERED, that the City Council hereby authorizes the Auburn Business Association to place temporary signs to promote the Auburn Citizen of the Year Event to be held on May 5, 2016. The signs are to be installed on Center Street (in front of Better Homes & Gardens realty), on Minot Avenue (at Androscoggin Bank), and in New Auburn so long as their placement does not affect sight distance for streets or adjacent driveways. The signs will be installed on April 1, 2016 and removed one week after the event.

Passage on 3/7/2016 6-0-1 (Councilor Burns was not present for this vote).

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



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

Jonathan P. LaBonte, Mayor

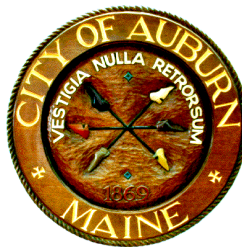
## **IN CITY COUNCIL**

### **ORDER 13-03072016**

Accepting the transfer of \$1,857.00 forfeiture assets in U.S. currency to the Auburn Police Department (Superior Court Criminal Action Docket No. CR-15-309 Mustafa Abdi).

**Passage on 3/7/2016 6-0-1 (Councilor Burns was not present for this vote).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 14-03072016

ORDERED, that the City Council hereby makes the follow board and committee appointments with term expirations as noted:

Board or Committee	Term Expiration Date	Name of Person Appointed or Reappointed
Planning Board	<del>10/1/2019</del> 01/01/2019 Amended 3/21/2016 with Order 17-03212016	Robert Bowyer (re-appointment)
Auburn Water District	<del>3/1/2019</del> 03/01/2020 Amended 5/16/2016 with Order 28-05162016	Tizz E.H. Crowley (new appointment)
Auburn Sewerage District	<del>3/1/2019</del> 03/01/2020 Amended 5/16/2016 with Order 28-05162016	Heidi McCarthy (re-appointment)
Ethics Committee (full member)	1/1/2019	Leonard Kimble (new appointment)
Ethics Committee (alternate)	1/1/2019	Marc Bernier (new appointment)
Ethics Committee (alternate)	1/1/2019	Robert Sevigny (new appointment)
Conservation Commission	6/1/2017	Charles Lafean (new appointment)
Community Development Block Grant (CDBG) Loan Committee	10/1/2016	Nikki Chabot (new appointment)
Board of Assessment Review	10/01/2019	Robert Hayes (new appointment)
Board of Assessment Review	10/01/2019	Larry Pelletier (new appointment)
Board of Assessment Review (alternate)	10/01/2017	Tizz E.H. Crowley

Passage on 3/7/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 14-03072016

ORDERED, that the City Council hereby makes the follow board and committee appointments with term expirations as noted:

Board or Committee	Term Expiration Date	Name of Person Appointed or Reappointed
Planning Board	10/1/2019	Robert Bowyer (re-appointment)
Auburn Water District	3/1/2019	Tizz E.H. Crowley (new appointment)
Auburn Sewerage District	3/1/2019	Heidi McCarthy (re-appointment)
Ethics Committee (full member)	1/1/2019	Leonard Kimble (new appointment)
Ethics Committee (alternate)	1/1/2019	Marc Bernier (new appointment)
Ethics Committee (alternate)	1/1/2019	Robert Sevigny (new appointment)
Conservation Commission	6/1/2017	Charles Lafean (new appointment)
Community Development Block Grant (CDBG) Loan Committee	10/1/2016	Nikki Chabot (new appointment)
Board of Assessment Review	10/01/2019	Robert Hayes (new appointment)
Board of Assessment Review	10/01/2019	Larry Pelletier (new appointment)
Board of Assessment Review (alternate)	10/01/2017	Tizz E.H. Crowley

Passage on 3/7/2016 7-0.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Finance Department

**TO:** Howard Kroll, City Manager, Honorable Mayor Labonte and Members of the City Council  
**FROM:** Jill Eastman, Finance Director  
**REF:** Fund Balance  
**DATE:** March 3, 2016

Attached you will find 2 spreadsheets. On page one you will find my recommendation on restoring the unassigned fund balance, to meet the Fund Balance policy, over the next 3 fiscal years.

My recommendation is to reduce the use of fund balance by \$825,000 in fiscal year 2017 and another \$825,000 in fiscal year 2018. This allows the City to discontinue the use of fund balance to balance the budget by fiscal year 2019.

On page two the charts show how the reduction in use of fund balance impacts the property taxes if everything else remained the same as in fiscal year 16.

In order to have no impact on the mil rate, we have to either find \$825,000 in new revenue, reduce expenditures by \$825,000 or a combination of both.

I am prepared to discuss these items and answer any questions you may have.

**FUND BALANCE ANALYSIS**  
**STRATEGY TO RESTORE TO POLICY LEVEL**  
Prepared March 3, 2016

	<u>FY 15</u>
Unassigned	
General Fund Balance	\$ 4,971,398
Total Expenditures	\$ 78,800,167

<b>As a % of Expenditures</b>	6.31%
-------------------------------	-------

	<u>Est FY 16</u>		<u>Est FY 17</u>		<u>Est FY 18</u>
<b>Beginning Unassigned Fund Balance July 1, 2015</b>	<b>\$ 4,971,398</b>		<b>\$ 6,061,588</b>		<b>\$ 7,886,588</b>
<b>Estimated Excess of Revenue and Unspent Appropriation</b>	<b>\$ 1,915,190</b>	<b>*</b>	<b>\$ 1,825,000</b>		<b>\$ 1,825,000</b>
<b>Fund Balance used to balance FY 17 Budget (Reclassified as Assigned Fund Balance)</b>	<b>\$ (825,000)</b>		<b>\$ -</b>		<b>\$ -</b>
<b>Estimated Fund Balance as of June 30, 2016</b>	<b>\$ 6,061,588</b>		<b>\$ 7,886,588</b>		<b>\$ 9,711,588</b>
<b>% of FY 16 Budget</b>	<b>7.82%</b>		<b>10.17%</b>		<b>12.52%</b>

<b>* Sale of One Minot Ave (old Police Station)</b>	<b>\$ 481,000</b>
<b>BETE Reimbursement</b>	<b>\$ 240,000</b>
<b>In Lieu of Taxes</b>	<b>\$ 20,000</b>
<b>Rent</b>	<b>\$ 130,000</b>
<b>Emergency Reserve</b>	<b>\$ 375,000</b>
<b>Unexpended Appropriations (due to spending and hiring freeze implemented on March 1, 2016)</b>	<b>\$ 600,000</b>
<b>Other Revenue collected over estimates</b>	<b>\$ 69,190</b>
	<b>\$ 1,915,190</b>

**GENERAL FUND  
FUND BALANCE ANALYSIS  
REDUCTION IN USE OF FUND BALANCE  
Prepared March 3, 2016**

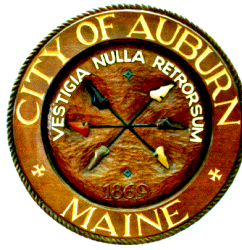
	<b>FY 16</b>	<b>FY 17 Reduce FB Contribution by One Half</b>
<b>Total Tax Levy</b>	\$ 42,376,283	\$ 43,201,283
Total Assessed Value	\$ 1,994,564,443	\$ 1,994,564,443
Tax Rate	\$21.25	\$21.66
Use of Fund Balance	\$ 1,650,000	\$ 825,000
Increase in Mil Rate: Dollars		\$0.41
Percentage		1.95%

**Impact on Annual Property Taxes in FY 17**

<b>Property Valuation</b>	<b>\$ 100,000</b>	<b>\$ 150,000</b>	<b>\$ 200,000</b>	<b>\$ 250,000</b>	<b>\$ 300,000</b>
Increase in Property Taxes due to reduction in Fund Balance Contribution	\$41.36	\$62.04	\$82.72	\$103.41	\$124.09

**In order to have no impact on the mil rate the City will need to either find \$825,000 in new revenue, reduce expenditures by \$825,000 or a combination of both.**

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

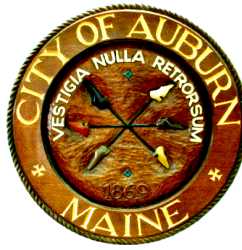
### **ORDER 15-03072016**

ORDERED, that the City Council hereby commit to discontinuing the use of Fund Balance to balance the General Fund budget over the next 2 fiscal years, FY 17 and FY 18 as recommended by the Finance Director per attached documentation.

**Passage on 3/7/2016 7-0.**



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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 16-03072016**

ORDERED, that the City Council hereby grants an abatement in the amount of \$456.00 for case number 2879-16, in accordance to Title 36 M.R.S.A. §841 (2).

**Passage on 3/7/2016 7-0.**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 17-03212016

ORDERED, that the City Council hereby amends Order 14-03072016 which was previously adopted at the 3/7/2016 City Council meeting to reflect the corrected term expiration date for the re-appointment of Robert Bowyer (Planning Board) to 1/1/2019 (previously adopted as 10/1/2019 in error).

Board or Committee	Term Expiration Date	Name of Person Appointed or Reappointed
Planning Board	<del>10/1/2019</del> 01/01/2019	Robert Bowyer (re-appointment)

Passage on 3/21/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 18-03212016**

ORDERED, that the City Council hereby appoint Randall Burnham, as a Constable Process Server without firearm in the City of Auburn. Mr. Burnham is not an agent or employee of the city or entitled to hold himself out as such, and is not authorized to carry a firearm in the performance of his duties, and his authority to act as a constable is limited to private employment as a process server.

**Passage on 3/21/2016 7-0.**

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



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

Jonathan P. LaBonte, Mayor

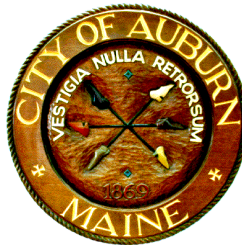
## **IN CITY COUNCIL**

### **ORDER 19-04042016**

ORDERED, that the City Council hereby sets the date for the School Budget Validation Referendum Election to be Tuesday, June 14, 2016, in conjunction with the State Primary Election.

**Passage on 04/04/2016 6-0 (Councilor Titus absent).**

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



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

Jonathan P. LaBonte, Mayor

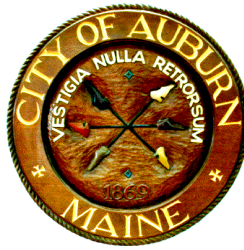
## **IN CITY COUNCIL**

### **ORDER 20-04042016**

ORDERED, that the City Council hereby sets the time for opening the polls for the June 14, 2016 Election to be 7:00 AM.

Passage on 04/04/2016 6-0 (Councilor Titus absent).

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 21-04042016**

ORDERED, that the City Council hereby approves the Liquor License, Class XI Spirituous, Vinous, and Malt Restaurant/Lounge and Special Amusement Permit for Firehouse Grill, LLC., D/B/A Firehouse Grill located at 47 Broad Street.

Passage on 04/04/2016 6-0 (Councilor Titus absent).

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 22-04042016

ORDERED, that the City Council hereby denies the applicant, Lanli Liu's appeal on the denial of a business license for a massage establishment license, Indeego Spa, located at 405 Center Street because incomplete and false information was knowingly provided to the Auburn Police Department in support of the application.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk      4-8-2016

Passage on 4/4/2016 5-1 (Councilor Walker opposed, Councilor Titus absent).

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



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

Jonathan P. LaBonté, Mayor

**IN CITY COUNCIL**

**ORDER 23-04112016**

**ORDERED**, that the City Council hereby appoints Jonathan P. LaBonté to the Lewiston Auburn Railroad Company Board of Directors for a term of 3 years from 2016 to 2019 and he shall be authorized to vote the shares held by any shareholder.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk

Passage on 4/11/2016 6-0 (Councilor Titus absent).



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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 24-04252016

ORDERED, that the following individuals be and hereby are appointed as Election Clerks for the period of May 1, 2016 through April 30, 2018. See attached list.

PARTY	LAST NAME	FIRST NAME
R	Amero	Claire
R	Bachand	Claire
R	Berube	Patricia
R	Bussiere	Francois
R	Campbell	Jeffrey
R	Crowell	Joan
R	Galway	Bonnie
R	Gammon	Esther
R	Langelier	Gerald
R	Lee	Linda
R	Letourneau	Michel
R	Martel	Gerald
R	Ouellette	Beverley
R	Rossignol	Linda
R	Spear	June
R	Spiro	Danielle
R	Varney	Jeanne
R	White	Carmen
R	White-Matson	Nichole
D	Bate	Jacqueline
D	Bilodeau	Normand
D	Cavanaugh	Robert
D	Cooper	Louise
D	Cox	Margaret
D	Desgrosseilliers	Edward
D	Dufresne	Carmen
D	Gardner	Robert
D	Girouard	Jolene
D	Herrick	Eleanor
D	Kinney	Anne
D	Langelier	Pauline
D	Leavitt	Richard

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



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

Jonathan P. LaBonte, Mayor

<b>D</b>	Mahon	Joan
<b>D</b>	Mailey	Joseph
<b>D</b>	Miller	Priscilla
<b>D</b>	Ouellette	Alma
<b>D</b>	Ouellette	Paul
<b>D</b>	Richardson	Kenneth
<b>D</b>	Ross	Bonnie
<b>D</b>	Simpson	Kevin
<b>D</b>	Webber	Judith
<b>U</b>	Martel	Claudette
<b>U</b>	Pelletier	Jeannine

Passage on 4/25/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 25-04252016**

ORDERED, that the City Council hereby approves the Special Amusement Permit for MVL, Inc., DBA, Tio Juan's Margaritas Mexican Restaurant located at 180 Center Street, Auburn, Maine.

Passage on 4/25/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 26-05022016**

ORDERED, that the City Council hereby approves the request by New Auburn Little League to waive the Food Service Establishment/On or Off Premise license fee of \$150.00 for Sherwood Heights and Pulsifer Park facilities.

Passage on 5/2/2016 6-0 (Councilor Burns absent).

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 27-05022016**

ORDERED, that the City Council hereby approves the request by Kiddo's, LLC., 945 Center Street to waive the Food Service Establishment/On or Off Premise license fee of \$200.00.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk

**Motion failed 5-2-2016, 0-6 (Councilors Young, Pross, Stone, Titus, Gilbert, and Walker all opposed, Councilor Burns absent).**

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 28-05162016**

ORDERED, that the City Council hereby amends Order 14-03072016 which was previously adopted at the 3/7/2016 City Council meeting to reflect the corrected term expiration dates for the following appointments;

Tizz E.H. Crowley (Auburn Water District) to 3/1/2020 (previously adopted as 3/1/2019 in error).

Heidi McCarthy (Auburn Sewerage District) to 3/1/2020 (previously adopted as 3/1/2019 in error).

<b>Board or Committee</b>	<b>Term Expiration Date</b>	<b>Name of Person Appointed or Reappointed</b>
Auburn Water District	3/1/ <del>2019</del> 2020	Tizz E.H. Crowley (new appointment)
Auburn Sewerage District	3/1/ <del>2019</del> 2020	Heidi McCarthy (re-appointment)

Passage on 5/16/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 29-05162016

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 5/2/2016;

Board or Committee	Term Exp. Date	Name
Planning Board	1/1/2017	Samuel Scogin (new appointment)
Cable TV Advisory Board	To be determined by the Chair of the Committee per inter-local agreement.	Robert Gardner (re-appointment)

Passage on 5/16/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 30-05162016 (b)

ORDERED, that the City Council authorizes the City Manager to enter into a Supplemental Lease Agreements for Cellular Micro-site Locations on City poles or Structures at 650 Center Street and other locations as proposed and approved at a staff level with Portland Cellular Partnership, a Maine general partnership, d/b/a Verizon Wireless.

This resolve authorizes that proposed site locations may be reviewed, acted upon and lease addendums signed by the City Manager, with input from staff as they are proposed individually or as a group, prior to installation, authorizing individual locations. This authorization shall only apply to proposed lease rates of \$250 per location per month or greater and adjusted annually by the CPI-Urban for future years beginning in 2016. Individual proposed locations shall be compared to the City's long range plans to confirm that they are either:

- 1) Not located in areas where the City intends to eliminate overhead utilities (Currently the New Auburn Village Center, possibly the Minot Avenue corridor between High and Court Streets); or
- 2) In areas where the City intends to eliminate overhead utilities the micro site locations shall only be allowed on poles or structures such as buildings, traffic signals and street light poles that will need to remain in place after the utility work.



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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 31-05162016**

**ORDERED**, that the City Council hereby approves the FY2016 Annual Action Plan as recommended by Community Development staff.

**Passage on 5/16/2016 as amended 7-0.**

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 32-05162016**

ORDERED that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2016/17.

1. That \$16,184,200.00 be authorized to be expended for Regular Instruction;
2. That \$ 8,843,629.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$ 1,008,066.00 be authorized to be expended for Other Instruction;
5. That \$ 4,185,672.00 be authorized to be expended for Student and Staff Support;
6. That \$ 881,721.00 be authorized to be expended for System Administration;
7. That \$ 1,374,018.00 be authorized to be expended for School Administration;
8. That \$ 1,350,104.00 be authorized to be expended for Transportation and Buses;
9. That \$ 5,422,263.00 be authorized to be expended for Facilities Maintenance;
10. That \$ 1,064,084.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$ 429,611.00- be authorized to be expended for All Other Expenditures;
12. That \$40,313,757.00 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$17,320,901.00 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

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



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

Jonathan P. LaBonte, Mayor

***Explanation:*** *The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

13. That \$1,814,747.00 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects, in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12;

***Explanation:*** *Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That \$0.00 be raised and appropriated in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, §15690;

***Explanation:*** *The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for education programs.*

15. That the school committee be authorized to expend \$40,313,757.00 for the fiscal year beginning July 1, 2015 and ending June 30, 2016 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate \$391,728.00 for adult education and raise \$190,404.00 as the local share, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program;

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



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

Jonathan P. LaBonte, Mayor

17. That the City of Auburn raise and appropriate \$37,883.00 for the services of Community Services-Crossing Guards.

18. That in addition to amounts approved in the preceding articles, the school committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated;

19. That the City of Auburn increase the amount of the total school budget and the amounts the school committee is authorized to expend under the previous articles, to the extent of any unanticipated increase in the adjusted state contribution under the Essential Programs and Services funding model.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk

Passage on 5/16/2016 4-3 (Councilors Walker, Titus, and Gilbert opposed).

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 33-05162016

**TITLE: ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR (AMENDED)**

**Be It Ordered by the Auburn City Council**, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof on either a taxable or a tax-exempt basis in the amount of ~~\$7,500,000~~ ~~\$5,400,000~~, the proceeds of which, including premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds), all constituting part of the City's FY17 Capital Improvement Program:

CITYWIDE		
CAPITAL IMPROVEMENT PLAN FY 17 BONDS		
	Description	Bonded General Fund
Facilities	Hasty Restroom Replacement - ADA Compliance	\$ 320,000
Facilities	Senior Center	\$ 95,000
Planning	Comp Plan Property Acquisition	\$ 150,000
Planning	Dangerous Building Demolition	\$ 100,000
Engineering	Reconstruction	\$ 1,000,000
Engineering	Reclamation/Resurfacing	\$ 900,000
Engineering	Additional Reclamation/Resurfacing (per Council amendment)	\$ 2,100,000
Engineering	Major Drainage	\$ 350,000
Engineering	MDOT Match	\$ 500,000
Public Works	7 Yard Plow Trucks	\$ 225,000
PW Facilities	Ash Landfill Sewer Main	\$ 250,000
School Department	School Department	\$ 1,500,000
Administration	Contingency	\$ 10,000
TOTAL CIP		\$ 7,500,000

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



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

Jonathan P. LaBonte, Mayor

THAT the bonds and notes authorized hereunder shall be signed by the City's Finance Director and its Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds and notes may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the City's Finance Director.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$7,500,000 ~~\$5,400,000~~ either from available funds of the City or from the proceeds of bond anticipation notes which would be reimbursed or refinanced from bond proceeds.

THAT the bonds and notes authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director.

THAT the authority and discretion to designate the bond or notes authorized hereunder, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director.

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all financing documents, contracts, agreements, certificates, preliminary and final official statements, tax certificates and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this order, as may be necessary or desirable.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT the authority to issue the bonds or notes authorized hereunder shall automatically expire 2 years from the approval of this Order.

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



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

Jonathan P. LaBonte, Mayor

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before May 2, 2016 and May 23, 2016, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on May 16, 2016 and on June 6, 2016.

Passage of first reading on 5/16/2016 6-1 (Councilors Titus opposed).  
Passage of second and final reading on 6/6/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 34-05162016

TITLE: ORDER - Reallocating Unspent Proceeds from the City's General Obligation Bonds.

WHEREAS, the City of Auburn issued General Obligation Bonds in various amounts for various projects; and

WHEREAS, there remain unspent proceeds of the Bonds borrowed for multiple capital improvements, \$353,845 of which excess proceeds the City Council desires to reappropriate and reallocate to be used for the projects listed below;

CITYWIDE			
CAPITAL IMPROVEMENT PLAN FY 17 Unallocated			
	Description		Unallocated Bond Proceeds
Facilities	Engine 5 Roof Replacement		\$ 80,000
Facilities	Central Fire-Lighting Replacement		\$ 110,000
Facilities	Engine 5 Lighting Replacement		\$ 40,000
Library	Entrance Door Replacement		\$ 44,500
Police	Evidence Locker Replacement		\$ 50,000
Public Works	Leaf Vacuum		\$ 29,345
TOTAL CIP			\$ 353,845

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the excess proceeds of the Bonds, in the amount of \$353,845 be and hereby are appropriated from the amount borrowed as part of various Bonds to finance the costs of the projects listed above.

THAT the City's Finance Director / Treasurer be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such financing documents, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order, as may be necessary or desirable.



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



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

Jonathan P. LaBonte, Mayor

A Public Notice describing the repurposing of these Bond proceeds borrowed for Various Projects to the list above was published on or before May 2, 2016, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on May 16, 2016.

**Passage of first reading on 5/16/2016 7-0.  
Passage of second reading on 6/6/2016 7-0.**

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 35-05162016**

ORDERED, that the City Council hereby adopts the 5 year Capital Improvement Plan, presented to the City Council and School Committee by the City Manager and School Superintendent on March 14, 2016.

Passage on 5/16/2016 6-0 (Councilor Young was absent).

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 36-06062016

**ORDERED**, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for the June 14, 2016 Election.

Mary Ellen Dow	Warden
Wanda Brown	Warden
David Foster	Warden
Rick Duchesneau	Warden
Donna Martin	Ward Clerk
Christine Sirois	Ward Clerk
Jeannine Pelletier	Ward Clerk
Irene Noyes	Ward Clerk
Levi Gervais	Ward Clerk

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 37-06062016**

**ORDERED**, that the City Council hereby approves the request to place temporary signs as noted in the letter of request as long as their placement does not affect sight distance for streets and adjacent driveways.

**Passage on 6/6/2016 7-0.**

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



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

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 38-06062016**

**ORDERED**, that the City Council hereby authorizes the City Clerk to waive Flea Market fees, if applicable, for the Four Season's Market from June 7 through September 30, 2016 for events held on the Riverwalk near Festival Plaza. However, this does not exempt them from meeting all other licensing fees and requirements that may be applicable and all vendors participating that are required to hold a separate State or Municipal license must also meet those fees and requirements.

**Failed on 6/6/2016 1-5-1 (Councilors Pross, Stone, Titus, Gilbert, and Burns opposed, Councilor Young abstained).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 39-06062016

ORDERED, that the City Council hereby terminates the LA Public Health Committee Interlocal Agreement between the cities of Lewiston and Auburn.

Passage on 6/6/2016 6-1 (Councilor Young opposed).

**CITY OF AUBURN CITY COUNCIL  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER OF DEMOLITION**

**12 PATTON STREET**

On June 20, 2016 at 7:00 pm, the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the residential structure and garage (the “Structures”) at 12 Patton Street in Auburn, Maine, identified as Lot 23 on Tax Map 211, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 3217, Page 247 (the “Premises”), are dangerous or nuisances pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structures be demolished.

Findings of Fact

Present at the hearing on this matter for the City was Eric Cousens, City Planner. The following individuals appeared on behalf of the owner and/or parties in interest: None.

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structures are owned by Lorena and David Jipson (the “Owners”). Planning, Permitting & Code Department (“Department”) Exhibit A.
2. Ms. Jipson and Mr. Jipson were each served a copy of the Notice of Hearing (“Notice”) on May 2, 2016. Department Exhibits C & D.
3. There are no other parties-in-interest.
4. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds at Book 9349 and Page 49. Department Exhibit B.
5. The Structures are structurally unsafe.
6. The Structures are abandoned and unfit for human occupancy due to the lack of utilities, including water, heat, and electricity, as well as major structural damage, including a completely collapsed roof on the garage and a failing foundation on the house.
7. It constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, and abandonment.
8. It is unsanitary due to the fact that the interior is open to the elements.
9. It is a heightened fire hazard due to its proximity to neighbors and overgrown brush.

10. The Owners have been given the opportunity to remedy the conditions at the Premises but have failed to do so.

#### Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

11. The Structures are structurally unsafe and unstable.
12. The Structures are unsanitary.
13. The Structures constitute a fire hazard.
14. The Structures are unsuitable and improper for human habitation.
15. The Structures are a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.
16. The Structures are dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structures are a nuisance and dangerous building, and the Council hereby concludes that the Structures at 12 Patton Street are nuisances and dangerous buildings within the meaning of 17 M.R.S. § 2851.

#### Order #40-06202016

Having found that the Structures at 12 Patton Street are nuisances and dangerous buildings within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

17. That the Owners, and/or their successors or assigns, demolish the Structures, remove all debris, and stabilize the site within thirty (30) days of service of this Order.
18. That if the Owners, and/or their successors or assigns, fail to comply with this Order in the time frame set forth herein, the City shall have the authority to carry out this Order.
19. That within thirty (30) days after demand by the City, the Owners, and/or their successors or assigns, shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structures, service and other costs incurred, attorneys' fees, and any and all demolition and clean-up costs.
20. That if the Owners, and/or their successors and assigns, fail to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

*This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.*



I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on June 20, 2016, the City of Auburn City Council adopted the above Order.

Dated:

---

Susan Clements-Dallaire  
City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

June \_\_\_\_, 2016

Before me this day personally appeared Susan Clements-Dallaire who acknowledges the foregoing instrument to be her free act and deed.

---

Notary Public/Attorney at Law

**Passage on 6/20/2016 6-0-1 (Councilor Walker abstained).**

**CITY OF AUBURN CITY COUNCIL  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER OF DEMOLITION**

**12 PATTON STREET**

On June 20, 2016 at 7:00 pm, the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the residential structure and garage (the “Structures”) at 12 Patton Street in Auburn, Maine, identified as Lot 23 on Tax Map 211, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 3217, Page 247 (the “Premises”), are dangerous or nuisances pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structures be demolished.

Findings of Fact

Present at the hearing on this matter for the City was Eric Cousens, City Planner. The following individuals appeared on behalf of the owner and/or parties in interest: None.

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structures are owned by Lorena and David Jipson (the “Owners”). Planning, Permitting & Code Department (“Department”) Exhibit A.
2. Ms. Jipson and Mr. Jipson were each served a copy of the Notice of Hearing (“Notice”) on May 2, 2016. Department Exhibits C & D.
3. There are no other parties-in-interest.
4. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds at Book 9349 and Page 49. Department Exhibit B.
5. The Structures are structurally unsafe.
6. The Structures are abandoned and unfit for human occupancy due to the lack of utilities, including water, heat, and electricity, as well as major structural damage, including a completely collapsed roof on the garage and a failing foundation on the house.
7. It constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, and abandonment.
8. It is unsanitary due to the fact that the interior is open to the elements.
9. It is a heightened fire hazard due to its proximity to neighbors and overgrown brush.

10. The Owners have been given the opportunity to remedy the conditions at the Premises but have failed to do so.

#### Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

11. The Structures are structurally unsafe and unstable.
12. The Structures are unsanitary.
13. The Structures constitute a fire hazard.
14. The Structures are unsuitable and improper for human habitation.
15. The Structures are a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.
16. The Structures are dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structures are a nuisance and dangerous building, and the Council hereby concludes that the Structures at 12 Patton Street are nuisances and dangerous buildings within the meaning of 17 M.R.S. § 2851.

#### Order #40-06202016

Having found that the Structures at 12 Patton Street are nuisances and dangerous buildings within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

17. That the Owners, and/or their successors or assigns, demolish the Structures, remove all debris, and stabilize the site within thirty (30) days of service of this Order.
18. That if the Owners, and/or their successors or assigns, fail to comply with this Order in the time frame set forth herein, the City shall have the authority to carry out this Order.
19. That within thirty (30) days after demand by the City, the Owners, and/or their successors or assigns, shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structures, service and other costs incurred, attorneys' fees, and any and all demolition and clean-up costs.
20. That if the Owners, and/or their successors and assigns, fail to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

*This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.*

I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on June 20, 2016, the City of Auburn City Council adopted the above Order.

Dated: 6/21/16

Susan Clements-Dallaire  
Susan Clements-Dallaire  
City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

June 21, 2016

Before me this day personally appeared Susan Clements-Dallaire who acknowledges the foregoing instrument to be her free act and deed.

Karen S Thibodeau  
Notary Public/Attorney at Law

**KAREN S THIBODEAU**  
Notary Public, Maine  
My Commission Expires January 6, 2022

Passage on 6/20/2016 6-0-1 (Councilor Walker abstained).

**CITY OF AUBURN CITY COUNCIL  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER OF DEMOLITION**

**16 NEWBURY STREET**

On June 20, 2016 at 7:00 pm, the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the front residential structures (the “Structures”) at 16 and 18 Newbury Street (“16 Newbury” and “18 Newbury,” respectively) in Auburn, Maine, identified as Lot 35 on Tax Map 231, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 2682, Page 139 (the “Premises”), are dangerous or nuisances pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structure be demolished.

Findings of Fact

Present at the hearing on this matter for the City was Eric Cousens, City Planner. The following individuals appeared on behalf of the owner and/or parties in interest:

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After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structures are owned by Judith LaChappelle and Bernard Ouellette (the “Owners”). Planning, Permitting & Code Department (“Department”) Exhibits A & B.
2. Ms. LaChappelle and Mr. Ouellette were separately served with copies of the Notice of Hearing (“Notice”) on April 27, 2016. Department Exhibits D and E.
3. Party-in-Interest Rocheleau & Associates, P.A. was served with a copy of the Notice on June 6, 2016. Department Exhibit F.
4. Party-in-Interest Northern Utilities, Inc. was served with a copy of the Notice on April 26, 2016. Department Exhibit G.
5. Party-in-Interest Herbert C. Wood was served with a copy of the Notice on June 1, 2016. Department Exhibit H.
6. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds at Book 9349 and Page 48. Department Exhibit C.
7. 16 Newbury is structurally unsafe.
8. The Structures are both abandoned, unsecured, and unfit for human occupancy due to the lack of utilities, including water, heat, and electricity, as well as major structural damage.
9. The Structures constitute hazards to health and safety because of inadequate maintenance, dilapidation, obsolescence, and abandonment.

10. The Structures are unsanitary due to the fact that the interiors are open to the elements.
11. The Structures are a heightened fire hazard and attractive to vandals due to their proximity to neighbors and 16 Newbury has already suffered a fire.
12. The Owners have been given the opportunity to remedy the conditions at the Premises but have failed to do so.

#### Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

13. 16 Newbury is structurally unsafe and unstable.
14. The Structures are both unsanitary.
15. The Structures both constitute a fire hazard.
16. The Structures are unsuitable and improper for human habitation.
17. The Structures are hazards to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.
18. The Structures are dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structures are nuisances and dangerous buildings, and the Council hereby concludes that the Structures at 16 and 18 Newbury Street are nuisances and dangerous buildings within the meaning of 17 M.R.S. § 2851.

#### Order # 41-06202016

Having found that the Structures at 16 Newbury Street are nuisances and dangerous buildings within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

19. That the Owners, and/or their successors or assigns, immediately secure the doors and all broken ground floor windows on the Structures
20. That the Owners, and/or their successors or assigns, demolish the Structures, remove all debris, and stabilize the site within thirty (30) days of service of this Order.
21. That if the Owners, and/or their successors or assigns, fail to comply with this Order in the time frames set forth herein, the City shall have the authority to carry out this Order.
22. That within thirty (30) days after demand by the City, the Owners, and/or their successors or assigns, shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structures, service and other costs incurred, attorneys' fees, and any and all demolition

and clean-up costs.

23. That if the Owners, and/or their successors and assigns, fail to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

*This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.*

I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on June 20, 2016, the City of Auburn City Council adopted the above Order.

Dated:

---

Susan Clements-Dallaire  
City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

June \_\_\_\_, 2016

Before me this day personally appeared Susan Clements-Dallaire who acknowledges the foregoing instrument to be her free act and deed.

---

Notary Public/Attorney at Law

**Passage on 6/20/2016 7-0.**

**CITY OF AUBURN CITY COUNCIL  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER OF DEMOLITION**

**16 NEWBURY STREET**

On June 20, 2016 at 7:00 pm, the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the front residential structures (the “Structures”) at 16 and 18 Newbury Street (“16 Newbury” and “18 Newbury,” respectively) in Auburn, Maine, identified as Lot 35 on Tax Map 231, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 2682, Page 139 (the “Premises”), are dangerous or nuisances pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structure be demolished.

Findings of Fact

Present at the hearing on this matter for the City was Eric Cousens, City Planner. The following individuals appeared on behalf of the owner and/or parties in interest:

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After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structures are owned by Judith LaChappelle and Bernard Ouellette (the “Owners”). Planning, Permitting & Code Department (“Department”) Exhibits A & B.
2. Ms. LaChappelle and Mr. Ouellette were separately served with copies of the Notice of Hearing (“Notice”) on April 27, 2016. Department Exhibits D and E.
3. Party-in-Interest Rocheleau & Associates, P.A. was served with a copy of the Notice on June 6, 2016. Department Exhibit F.
4. Party-in-Interest Northern Utilities, Inc. was served with a copy of the Notice on April 26, 2016. Department Exhibit G.
5. Party-in-Interest Herbert C. Wood was served with a copy of the Notice on June 1, 2016. Department Exhibit H.
6. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds at Book 9349 and Page 48. Department Exhibit C.
7. 16 Newbury is structurally unsafe.
8. The Structures are both abandoned, unsecured, and unfit for human occupancy due to the lack of utilities, including water, heat, and electricity, as well as major structural damage.
9. The Structures constitute hazards to health and safety because of inadequate maintenance, dilapidation, obsolescence, and abandonment.



10. The Structures are unsanitary due to the fact that the interiors are open to the elements.
11. The Structures are a heightened fire hazard and attractive to vandals due to their proximity to neighbors and 16 Newbury has already suffered a fire.
12. The Owners have been given the opportunity to remedy the conditions at the Premises but have failed to do so.

#### Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

13. 16 Newbury is structurally unsafe and unstable.
14. The Structures are both unsanitary.
15. The Structures both constitute a fire hazard.
16. The Structures are unsuitable and improper for human habitation.
17. The Structures are hazards to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.
18. The Structures are dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structures are nuisances and dangerous buildings, and the Council hereby concludes that the Structures at 16 and 18 Newbury Street are nuisances and dangerous buildings within the meaning of 17 M.R.S. § 2851.

#### Order # 41-06202016

Having found that the Structures at 16 Newbury Street are nuisances and dangerous buildings within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

19. That the Owners, and/or their successors or assigns, immediately secure the doors and all broken ground floor windows on the Structures
20. That the Owners, and/or their successors or assigns, demolish the Structures, remove all debris, and stabilize the site within thirty (30) days of service of this Order.
21. That if the Owners, and/or their successors or assigns, fail to comply with this Order in the time frames set forth herein, the City shall have the authority to carry out this Order.
22. That within thirty (30) days after demand by the City, the Owners, and/or their successors or assigns, shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structures, service and other costs incurred, attorneys' fees, and any and all demolition

and clean-up costs.

23. That if the Owners, and/or their successors and assigns, fail to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

*This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.*

I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on June 20, 2016, the City of Auburn City Council adopted the above Order.

Dated: 6/21/16

Susan Clements-Dallaire  
Susan Clements-Dallaire  
City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

June 21, 2016

Before me this day personally appeared Susan Clements-Dallaire who acknowledges the foregoing instrument to be her free act and deed.

Karen S Thibodeau  
Notary Public/Attorney at Law

KAREN S THIBODEAU  
Notary Public, Maine  
My Commission Expires January 6, 2022

Passage on 6/20/2016 7-0.

**CITY OF AUBURN CITY COUNCIL  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER OF DEMOLITION**

**180 STATION ROAD**

On June 20, 2016 at 7:00 pm, the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the industrial structure (the “Structure”) at 180 Station Road in Auburn, Maine, identified as Lot 3 on Tax Map 95, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 4180, Page 81 (the “Premises”), is dangerous or a nuisance pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structure be demolished.

Findings of Fact

Present at the hearing on this matter for the City was Eric Cousens, City Planner. The following individuals appeared on behalf of the owner and/or parties in interest: None.

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structure is owned by Michael Farrell (the “Owner”). Planning, Permitting & Code Department (“Department”) Exhibits A.
2. Mr. Farrell was served with a copy of the Notice of Hearing (“Notice”) on May 27, 2016. Department Exhibits C.
3. Party-in-Interest TD Bank, N.A., as successor to People’s Heritage Bank was served with a copy of the Notice on June 6, 2016. Department Exhibit D.
4. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds at Book 9370 and Page 190. Department Exhibit B.
5. The Structure is structurally unsafe.
6. The Structure is abandoned and unfit for storage due to the lack of utilities, as well as major structural damage.
7. It constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, and abandonment.
8. It is unsanitary due to the fact that the interior is open to the elements and loaded with trash and debris.
9. It is a heightened fire hazard and target for vandalism due to its remote location and current appearance and fire loading with flammable materials.

10. The Owner has been given the opportunity to remedy the conditions at the Premises but has failed to do so.

#### Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

11. The Structure is structurally unsafe and unstable.
12. The Structure is unsanitary.
13. The Structure constitutes a fire hazard.
14. The Structure is unsuitable and improper for the use to which it is put.
15. The Structure is a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.
16. The Structure is dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structure is a nuisance and dangerous building, and the Council hereby concludes that the Structure at 180 Station Road is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851.

#### Order #42-06202016

Having found that the Structure at 180 Station Road is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

17. That the Owner, and/or his successors or assigns, demolish the Structure, remove all debris, and stabilize the site within thirty (30) days of service of this Order.
18. That if the Owner, and/or his successors or assigns, fail to comply with this Order in the time frame set forth herein, the City shall have the authority to carry out this Order.
19. That within thirty (30) days after demand by the City, the Owner, and/or his successors or assigns, shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structure, service and other costs incurred, attorneys' fees, and any and all demolition and clean-up costs.
20. That if the Owner, and/or his successors and assigns, fail to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

*This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.*

I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on June 20, 2016, the City of Auburn City Council adopted the above Order.

Dated: 6/21/16

Susan Clements-Dallaire  
Susan Clements-Dallaire  
City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

June 21, 2016

Before me this day personally appeared Susan Clements-Dallaire who acknowledges the foregoing instrument to be her free act and deed.

Karen S Thibodeau  
Notary Public/Attorney at Law

KAREN S THIBODEAU  
Notary Public, Maine  
My Commission Expires January 6, 2022

Passage on 6/20/2016 5-0-2 (Councilors Walker and Pross opposed).

**CITY OF AUBURN CITY COUNCIL  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER OF DEMOLITION**

**180 STATION ROAD**

On June 20, 2016 at 7:00 pm, the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the industrial structure (the “Structure”) at 180 Station Road in Auburn, Maine, identified as Lot 3 on Tax Map 95, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 4180, Page 81 (the “Premises”), is dangerous or a nuisance pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structure be demolished.

Findings of Fact

Present at the hearing on this matter for the City was Eric Cousens, City Planner. The following individuals appeared on behalf of the owner and/or parties in interest: None.

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structure is owned by Michael Farrell (the “Owner”). Planning, Permitting & Code Department (“Department”) Exhibits A.
2. Mr. Farrell was served with a copy of the Notice of Hearing (“Notice”) on May 27, 2016. Department Exhibits C.
3. Party-in-Interest TD Bank, N.A., as successor to People’s Heritage Bank was served with a copy of the Notice on June 6, 2016. Department Exhibit D.
4. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds at Book 9370 and Page 190. Department Exhibit B.
5. The Structure is structurally unsafe.
6. The Structure is abandoned and unfit for storage due to the lack of utilities, as well as major structural damage.
7. It constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, and abandonment.
8. It is unsanitary due to the fact that the interior is open to the elements and loaded with trash and debris.
9. It is a heightened fire hazard and target for vandalism due to its remote location and current appearance and fire loading with flammable materials.

10. The Owner has been given the opportunity to remedy the conditions at the Premises but has failed to do so.

#### Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

11. The Structure is structurally unsafe and unstable.
12. The Structure is unsanitary.
13. The Structure constitutes a fire hazard.
14. The Structure is unsuitable and improper for the use to which it is put.
15. The Structure is a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.
16. The Structure is dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structure is a nuisance and dangerous building, and the Council hereby concludes that the Structure at 180 Station Road is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851.

#### Order #42-06202016

Having found that the Structure at 180 Station Road is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

17. That the Owner, and/or his successors or assigns, demolish the Structure, remove all debris, and stabilize the site within thirty (30) days of service of this Order.
18. That if the Owner, and/or his successors or assigns, fail to comply with this Order in the time frame set forth herein, the City shall have the authority to carry out this Order.
19. That within thirty (30) days after demand by the City, the Owner, and/or his successors or assigns, shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structure, service and other costs incurred, attorneys' fees, and any and all demolition and clean-up costs.
20. That if the Owner, and/or his successors and assigns, fail to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

*This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.*

I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on June 20, 2016, the City of Auburn City Council adopted the above Order.

Dated:

---

Susan Clements-Dallaire  
City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

June \_\_\_\_, 2016

Before me this day personally appeared Susan Clements-Dallaire who acknowledges the foregoing instrument to be her free act and deed.

---

Notary Public/Attorney at Law

**Passage on 6/20/2016 5-0-2 (Councilors Walker and Pross opposed).**



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



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

Jonathan P. LaBonte, Mayor

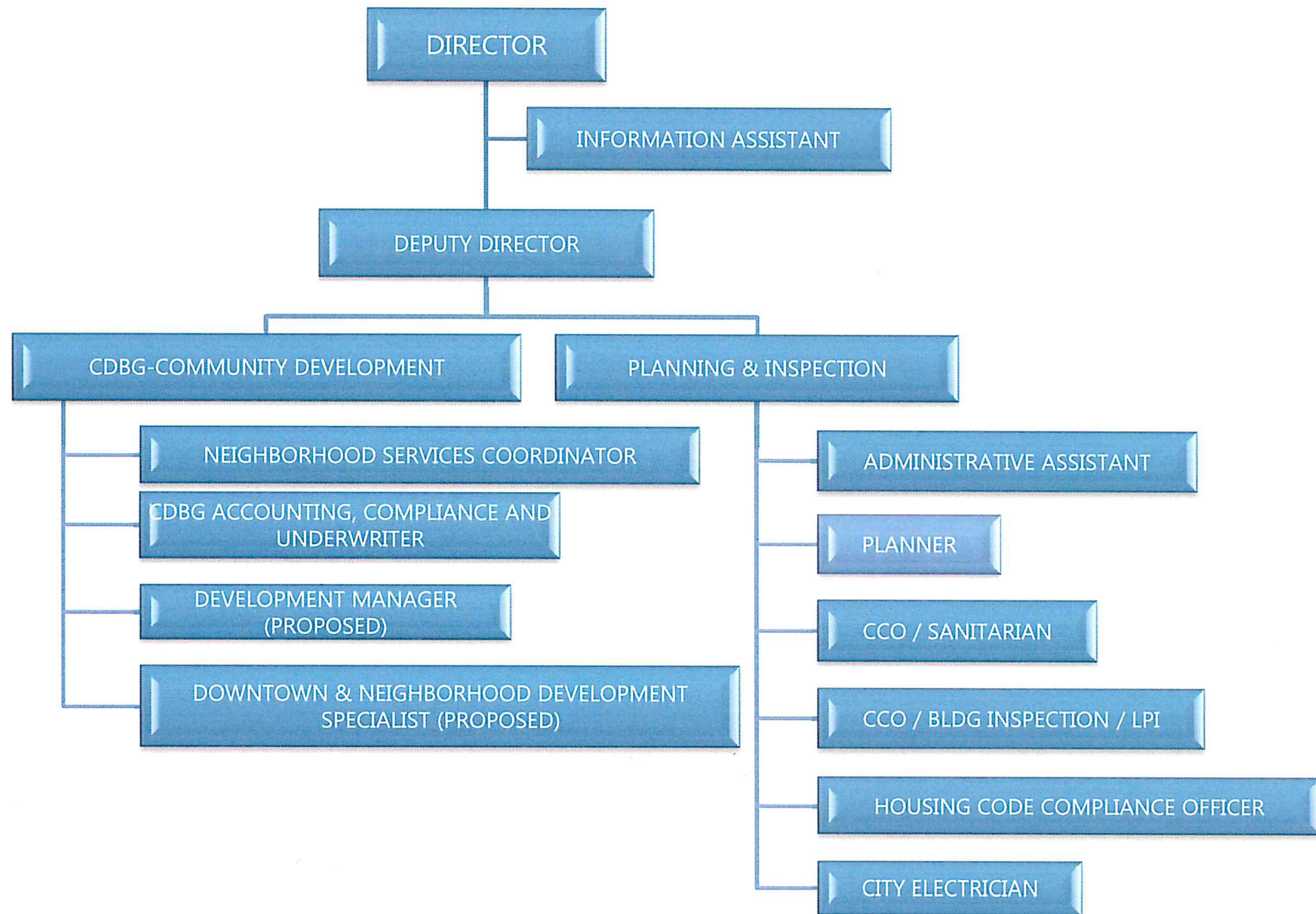
## IN CITY COUNCIL

### ORDER 43-06202016

ORDERED, that pursuant to the City Charter Section 7.1 paragraph A, that it be hereby established the Economic and Community Development Department be established which will include the Economic Development, Planning and Permitting, and Community Development Departments. See attached organizational chart.

**Passage on 6/20/2016 7-0.**

# COMMUNITY PLANNING & DEVELOPMENT (proposed)



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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 44-06202016

ORDERED, that the Auburn City Council hereby approves the Special Event/Mass Gathering application for Liberty Festival to be held, July 2<sup>nd</sup>, 2016 through July 6<sup>th</sup>, 2016 at Great Falls, Festival Plaza, and surrounding areas. Set up would begin July 2<sup>nd</sup> and clean up would be completed on July 5<sup>th</sup> (rain date July 6<sup>th</sup>).

Passage on 6/20/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 45-07112016

ORDERED, that the City Council hereby appoints Robert Stone to serve on the Maine Municipal Associations Legislative Policy Committee for the 2016-2018 term.

**Passage on 7/11/2016 6-0 (Councilor Burns was not present for the vote).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 46-07112016

**ORDERED**, that the City Council hereby confirms Chief Crowell's appointment of Devon A. Bohacik as a Constable with firearm for the Auburn Police Department.

**Passage on 7/11/2016 6-0 (Councilor Burns was not present for the vote).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 48-07112016

ORDERED, that the City Council hereby authorizes the Finance Director to dispose of the Tax Acquired Property listed on the attachment, in accordance with the City of Auburn Policy regarding the acquisition and disposition of Tax Acquired Property.

Passage on 7/11/2016 6-0-1 (Councilor Walker abstained).

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

Order 49-07112016

Ordered, that the City Council hereby amends Order 30-05162016 (b) which was previously adopted at the 5/16/2016 City Council meeting as follows;

Ordered that the City Council authorizes the City Manager to enter into a Supplemental Lease Agreements for Cellular Micro-site Locations on City poles or Structures at 650 Center Street and other locations as proposed and approved at a staff level with Portland Cellular Partnership, a Maine general partnership, d/b/a Verizon Wireless.

This resolve authorizes that proposed site locations may be reviewed, acted upon and lease addendums signed by the City Manager, with input from staff as they are proposed individually or as a group, prior to installation, authorizing individual locations. This authorization shall only apply to proposed lease rates of ~~\$250~~ \$200 per location per month or greater and adjusted annually by ~~the CIP Urban~~ 2% for future years beginning in 2016. Individual proposed locations shall be compared to the City's long range plans to confirm that they are either:

- 1) Not located in areas where the City intends to eliminate overhead utilities (Currently the New Auburn Village Center, possibly the Minot Avenue corridor between High and Court Streets); or
- 2) In areas where the City intends to eliminate overhead utilities the micro site locations shall only be allowed on poles or structures such as buildings, traffic signals and street light poles that will need to remain in place after the utility work.

Passage on 7/11/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 50-07112016

ORDERED, that the City Council hereby accepts the letter of resignation from City Manager Howard Kroll dated July 1, 2016 with Friday, September 9, 2016 being his last day.

**Passage on 7/11/2016 7-0.**



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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 51-07182016**

ORDERED, that the City Council hereby approves the request from Anthea Thorpe, co-captain of The Dempsey Challenge Team "Team McKesson" to waive the \$50 flea market fee for the fundraiser for the Dempsey Center held on July 16, 2016.

Passage on 7/18/2016 4-3 (Councilors Pross, Titus, and Burns opposed).

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 52-08012016

**ORDERED**, that the City Council hereby authorize the City Manager to execute the amendment to Article 19 of the MAP Auburn Command Unit Collective Bargaining Agreement.

**Passage on 8/1/2016 7-0.**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 53-08012016

**ORDERED**, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with I.A.F.F. (International Association of Firefighters) Local 797 for July 1, 2016 through June 30, 2019.

**Passage on 8/1/2016 6-1 (Councilor Titus opposed).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 54-08152016

ORDERED, that the City Council hereby casts their votes for the following individuals to serve on the Androscoggin County Budget Committee;

District 5

Name(s) Andy Titus

District 6

Name(s) Norm Beauparlant and Steve Bolduc

Passage on 8/15/2016 6-0-1 (Councilor Walker abstained).

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 55-08152016

ORDERED, that the City Council hereby names Tyler A. Ham as a Constable with a firearm for the Auburn Police Department.

**Passage on 8/15/2016 5-1 (Councilor Titus opposed, Councilor Pross absent).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 56-09122016

ORDERED, that the City Council hereby accept the transfer of \$1,601.00 forfeiture assets in U.S. currency to the Auburn Police Department (Superior Court Criminal Action Docket No. CR-15-31 – Anthony Borrrome).

Passage on 9/12/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 57-09122016

ORDERED, that the City Council hereby accept the transfer of \$1,561.00 forfeiture assets in U.S. currency to the Auburn Police Department (Superior Court Criminal Action Docket No. CR-15-1277 – Hector Jimenez).

Passage on 9/12/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 58-09122016

ORDERED, that the City Council hereby sets the time for opening the polls for the November 8, 2016 Election at 7:00 AM.



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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 59-09122016

ORDERED, that the City Council hereby approves the City funding request (funding source HOME funds) for the Spring Street project, contingent upon passage of Orders 60-09122016 and 61-09122016.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk 9-19-2016

Passage on 9/12/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL  
SEPTEMBER 12, 2016  
ORDER 60-09122016**

**WHEREAS**, the City of Auburn ("the City") designated its Downtown Municipal Development and Tax Increment Financing District #10 ("the Downtown District") and adopted the Development Program for such district initially in 2002; and

**WHEREAS**, the City adopted the First Amendment to the development program in 2014 in order to add acreage, add some public projects and allow the ability for the City to enter into credit enhancement agreements; and

**WHEREAS**, the City entered into a credit enhancement agreement dated as of September 8, 2014 with the Auburn Housing Development Corporation relating to the property known on City tax maps as Map 240, Lot 257 but the project has not yet commenced; and

**WHEREAS**, the City has received a request for a new credit enhancement agreement from the developer of such mixed use project at the same lot, located inside the Downtown District, that would go beyond the statutory limit on the term of years for the Downtown District; and

**WHEREAS**, there is a need for economic development and for the development of affordable, livable housing in the City of Auburn, in the surrounding region, and in the State of Maine; and

**WHEREAS**, there is a need to improve and broaden the tax base in the City of Auburn; and to improve the general economy of the City of Auburn and the region by attracting business development in the Downtown District; and

**WHEREAS**, implementation of the amended, existing development program for the Downtown District and the development program for the new affordable housing municipal development and tax increment financing district will help improve and broaden the tax base in the City of Auburn and improve the economy in the City of Auburn and the region by attracting business development and creating affordable housing in the area of these districts; and

**WHEREAS**, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City desires to amend the Downtown District and approve the ***Second Amendment to the Downtown Municipal Development and Tax Increment Financing District #10*** (the "Second Amendment") in order to remove the area to be developed in the 62 Spring Street mixed use and affordable housing project; and

**WHEREAS**, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development approving this Second Amendment; and

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



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

Jonathan P. LaBonte, Mayor

**NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN, MAINE:**

**Section 1** The City of Auburn hereby approves the Second Amendment to the Downtown District and the development program for such district. The Second Amendment shall be pursuant to the following findings, terms, and provisions:

**Section 2** The City Council hereby finds and determines that:

a. This amendment to the Downtown District development program will not result in the Downtown District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3); and

b. The pursuit of the Downtown District development program will make a contribution to the economic growth and wellbeing of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare, and safety of the inhabitants of the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effects on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the amendment to the Downtown District and Downtown District development program.

**Section 3** Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Downtown District development program is hereby set forth in the Downtown District development program.

**Section 4** The City Manager, or his duly appointed representative, is hereby authorized, empowered, and directed to submit the proposed Second Amendment to the Downtown District and the Downtown District and the development program therefor to the State of Maine Department for Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

**Section 5** The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval by the State of Maine Department of Economic and Community Development, without requirement of further action by the City, the City Council, or any other party.

**Section 6** The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Downtown District and to the Downtown District development program as the City Manager

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



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

Jonathan P. LaBonte, Mayor

deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Downtown District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Downtown District development program.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk 9/14/2016

Passage on 9/12/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL  
SEPTEMBER 12, 2016  
ORDER 61-09122016**

**WHEREAS**, the City of Auburn (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the City as the **62 Spring Street Municipal Development and Tax Increment Financing District (#20)** (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

**WHEREAS**, there is a need for economic development in the City of Auburn, in the surrounding region, and in the State of Maine; and

**WHEREAS**, there is a need to improve and broaden the tax base of the City of Auburn; and to improve the general economy of the City of Auburn and the surrounding region; and

**WHEREAS**, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the City of Auburn and improve the economy of the City of Auburn and the region by attracting business development to the District; and

**WHEREAS**, the City desires to designate the District and adopt the Development Program; and

**WHEREAS**, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the "Department"), approving the designation of the District and adoption of the Development Program.

**ORDERED AS FOLLOWS:**

**Section 1.** The City of Auburn hereby designates the 62 Spring Street Municipal Development and Tax Increment Financing District (#20) and hereby adopts the Development Program for said District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

**Section 2.** The City Council hereby finds and determines that:

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



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

Jonathan P. LaBonte, Mayor

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the proposed District) does not exceed five percent (5%) of the total acreage of the City; and

c. The original assessed value of all existing and proposed tax increment financing districts (including the proposed District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of the most recent April 1 for which such value is available; and

d. The designation of the District and adoption of the related Development Program will make a contribution to the economic growth and well-being of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

**Section 3.** The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226; and further is authorized to execute a Credit Enhancement Agreement consistent with the provisions of the District's Development Program as presented and approved herein, and to create the accounts and take all the actions described in such agreements.

**Section 4.** The foregoing designation of the District and approval of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department, without requirement of further action by the City, the City Council, or any other party.

**Section 5.** The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the

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



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

Jonathan P. LaBonte, Mayor

Development Program as the City Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk 9/14/2016

Passage on 9/12/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 62--09192016

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 9/12/2016;

Board or Committee	Term Exp. Date	Name
Auburn Housing Authority	10/01/2021	Richard Valcourt (re-appointment)
CDBG Loan Committee	10/01/2019 10/01/2019 10/01/2019 10/01/2018	Ann Parker (re-appointment) Nikki Chabot (re-appointment) Christopher Bouchard (new appointment) Darcy Perkins-Phinney (new appointment)
Conservation Commission	6/1/2019 6/1/2019	Robert Sipe (re-appointment) Jordan Tate (re-appointment)
Finance Committee (alternate member)	12/01/2017	Benoit Blondeau (new appointment)
Parks and Recreation Advisory Board	10/01/2017 10/01/2017 10/01/2017  10/01/2018 10/01/2018 10/01/2018	Tizz E.H. Crowley (W1) Howard Fogle (W2) Belinda Gerry (W5)  Misty Edgecomb (W2) Janice Barrett (W3) Dana Staples (W5)  All new appointments
Zoning Board of Appeals (Associate member)	10/01/2019	Dana Staples (new appointment)

Passage on 9/19/2016 5-2 (Councilors Stone and Titus opposed).



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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 63-10032016

ORDERED, that the City Council hereby adopts the attached By-laws of the Auburn-Lewiston Advisory Cable TV Committee.

**Passage on 10/03/2016 7-0.**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 64 - 10032016

ORDERED, that the City Council hereby approves the request for Saint Dominic Academy to place a temporary sign for its Holiday Festival to be placed on Mount Auburn Avenue beside Starbucks from October 21<sup>st</sup> to November 7<sup>th</sup>. The event will take place on November 5, 2016.

Passage on 10/3/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 65 - 10032016

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for M & P Auto, Inc., 227 Merrow Road.

Passage on 10/3/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 66 - 10032016

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Randy's Auto Parts, Inc., 899 Broad Street.

**Passage on 10/3/2016 7-0.**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 67 - 10032016

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.

Passage on 10/3/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 68 - 10032016

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Road.

Passage on 10/3/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 69 - 10032016

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North.

Passage on 10/3/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 70-10172016

**ORDERED**, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for the November 8, 2016 Election.

David Foster – Warden  
Irene Noyes - Warden

Donna Martin - Ward Clerk  
Christine Sirois - Ward Clerk  
Jeannine Pelletier - Ward Clerk  
Levi Gervais - Ward Clerk

Passage on 10/17/2016 7-0.



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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 71 - 10172016

ORDERED, that the City Council hereby approves the Auto Graveyard/Junkyard permit for TY Auto, located at 249 Merrow Road.

**Passage on 10/17/2016 7-0.**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 73-10172016

ORDERED, that the City Council hereby authorizes the Acting City Manager to execute the land lease between the City of Auburn and the Lewiston-Auburn Transit Committee.

Passage on 10/17/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 74-10172016

ORDERED, that the City Council hereby authorizes the Acting City Manager to sign a Memorandum of Understanding between the Lewiston-Auburn Transit Committee (LATC) and the City of Auburn.

Passage on 10/17/2016 7-0.

**CITY OF AUBURN CITY COUNCIL  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER OF DEMOLITION**

**741 BROAD STREET**

On October 17, 2016 at 7:00 pm, the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the five structures (the "Structures") at 741 Broad Street in Auburn, Maine, more particularly described in the deed recorded in the Androscoggin County Registry of Deeds at Book 5886, Page 110 (the "Premises"), are dangerous or nuisances pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structures be demolished.

Findings of Fact

Present at the hearing on this matter for the City was Eric Cousens, City Planner. The following individuals appeared on behalf of the owner and/or parties in interest:

John McLean

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structures are owned by John McLean.
2. Mr. McLean was served with Notice of this Hearing ("Notice") on October 12, 2016.
3. Party-in-Interest Paul B. Streeter Revocable Trust dated 10/28/92 was served with a copy of the Notice on October 13, 2016.
4. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds at Book 9472 and Pages 126 and 128.
5. The Structures are structurally unsafe.
6. The Structures are unfit for human occupancy due to the lack of utilities, including water, heat, and electricity, as well as major structural damage.
7. The Structures constitute a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, and abandonment.
8. The Structures are unsanitary due to the fact that the interior of each structure is open to the elements.
9. The Structures are heightened fire hazards and attractive to vandals, and have a history of illegal burnings and have caused fires necessitating multiple responses from the City's emergency services.
10. The Owners have been given the opportunity to remedy the conditions at the Premises

but have failed to do so.

#### Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

11. The Structures are structurally unsafe and unstable.
12. The Structures are unsanitary.
13. The Structures constitutes a fire hazard.
14. The Structures are unsuitable and improper for human habitation.
15. The Structures are a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.
16. The Structures are dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structures are a nuisance and dangerous buildings, and the Council hereby concludes that the Structures at 741 Broad Street are a nuisance and dangerous buildings within the meaning of 17 M.R.S. § 2851.

#### Order

Having found that the Structures at 741 Broad Street are a nuisance and dangerous buildings within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

17. That the Owner, and/or his successors or assigns, demolish the Structures, remove all debris, and stabilize the site within thirty (30) days of service of this Order.
18. That if the Owners, and/or his successors or assigns, fail to comply with this Order in the time frame set forth herein, the City shall have the authority to carry out this Order.
19. That within thirty (30) days after demand by the City, the Owners, and/or his successors or assigns, shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structure, service and other costs incurred, attorneys' fees, and any and all demolition and clean-up costs.
20. That if the Owners, and/or their successors and assigns, fail to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

*This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.*

I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on October 17, 2016, the City of Auburn City Council adopted the above Order.

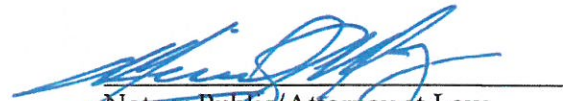
Dated: October 17, 2016

  
Susan Clements-Dallaire  
City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

October 7, 2016

Before me this day personally appeared Susan Clements-Dallaire who acknowledged the foregoing instrument to be her free act and deed.

  
Notary Public/Attorney at Law  
Marie Ber 4352

Public hearing and passage on 10/17/16 6-1  
(Councilor Walker opposed).



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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 76-11072016

ORDERED, that City Council hereby approves the Auburn Ski Association request for a temporary sign for their Annual Ski Swap which will be held on Sunday, November 13<sup>th</sup>, 2016. The sign will be placed at the intersection of Turner Street and Lake Auburn Avenue below Starbucks.

**Passage on 11/7/2016 6-0 (Councilor Burns absent).**

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 77-11072016**

ORDERED, that the City Council hereby approves the request by Sixth Street Congregational Church to waive the Flea Market/Craft Fair/Swap Meet/Bazaar license fee of \$50.00 for the Craft Fair and Bake Sale being held on November 12, 2016.

Passage on 11/7/2016 6-0 (Councilor Burns absent).



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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 78-11072016**

ORDERED, that the City Council hereby approves the request by Saint Dominic Academy to reimburse the Flea Market/Craft Fair/Swap Meet/Bazaar license fee of \$100.00 for the Annual St. Dom's Holiday Festival being held on November 05, 2016.

Passage on 11/7/2016 6-0 (Councilor Burns absent).

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 79-11072016

ORDERED, that the City Council hereby adopts the Program Guidelines for the Storefront Traffic Accelerates revitalization (Star Program).

**Passage on 11/7/2016 6-0 (Councilor Burns absent).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 80-11072016

ORDERED, that the City Council hereby adopts the Program Guidelines for the Neighborhood Challenge Grant.

**Passage on 11/7/2016 6-0 (Councilor Burns absent).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 81-11072016

ORDERED, that the City Council hereby authorizes the City Manager to sign the Memorandum of Understanding and Agreement Between Community Concepts Finance Corporation and the City of Auburn.

**Passage on 11/7/2016 6-0 (Councilor Burns absent).**

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 82-11072016**

ORDERED, that the City Council hereby authorizes the City Manager to correct the Original Assessed Value of the District to \$1,278,600 (corrected from \$1,178,340) in order to fix the typo that appeared in the original Development Program; such authorization to include:

- (a) Correcting any mention of the Original Assessed Value contained in the Development Program,
- (b) Directing the Assessor to execute and submit an Amended Assessor's Certificate that certifies to this corrected Original Assessed Value, and
- (c) To correct, as necessary, the references to the Original Assessed Value contained within the Credit Enhancement Agreement entered into by and between the City and Hartt Transportation Systems, Inc.

The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such further revisions to the Development Program as the City Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

**Passage on 11/7/2016 6-0 (Councilor Burns absent).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 83-11072016

**WHEREAS**, the City of Auburn (the "City") designated the **62 Spring Street Municipal Development and Tax Increment Financing District (#20)** (the "District") and adopted a development program (the "Development Program") for the District on September 12, 2016; and

**WHEREAS**, in the course of reviewing the application, the State of Maine Department of Economic and Community Development is requiring that the City hold an additional public hearing and vote on this Council Order to verify four items about the District prior to permitting the City to begin reimbursement of payments pursuant to a Credit Enhancement Agreement.

### ORDERED AS FOLLOWS:

**Section 1.** Authorize and direct the City Manager to add to the Development Program the following statements:

- a) There will be no displaced persons as a result of the District and implementation of the Development Program.
- b) The District development will be required to comply with all applicable environmental controls that would otherwise be required under law.
- c) The developer of the District property will be responsible for the operations of the improvements made within the District.
- d) The District project costs do not include any transportation improvements.

Passage on 11/7/2016 6-0 (Councilor Burns absent).

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 84-11212016

ORDERED, that the City Council hereby names Joshua S. King as a Constable with a firearm for the Auburn Police Department.

Passage on 11/21/2016 6-0 (Councilor Walker absent).

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 86-11212016

**ORDERED**, that the City Council hereby adopts the City of Auburn Policy on Emergency Medical Services Billing and Collection.

Passage on 11/21/2016 6-0 (Councilor Walker absent).



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## **City of Auburn Policy on Emergency Medical Services Billing and Collection**

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### **PURPOSE**

To establish a policy to bill patients and collect fees for the provisions of emergency medical services and transportation provided by the City.

### **POLICY**

#### **EMS Billing & Collection**

- A. The City recognizes the need to bill for these services to aid in the provision of EMS.
- B. No person requiring emergency medical services and/or transportation shall be denied services due to a lack of insurance or ability to pay levied charges.
- C. The City may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills so long as the City determines that:
  - 1. The financial condition of the patient requires such an arrangement; and
  - 2. The patient and/or financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.
- D. The City shall bill for all EMS services provided unless the City is reimbursed for services by another agency due to disaster declaration.
- E. Any applicable charges for EMS rendered shall be billed directly to the patient or to the patient's third party payer.
- F. The City may, at its option, and shall, where required by law, bill insurers or carriers on a patient's behalf and may accept payment on an assignment basis.
- G. All patients and/or their financially responsible parties, insurers or carriers, will be billed for emergency medical services provided by the City according to the Fee Schedule attached as Appendix A.
  - 1. All patients shall be liable for any co-payment, deductibles and patient responsibility amounts not satisfied by public or private insurance, and the City shall Balance Bill and make reasonable collection efforts for all such balances. The City may bill any applicable coinsurance carriers for such amounts.

2. Exceptions include only those instances where the City or its agent has made a determination that the cost of billing and collecting such co-payments, deductibles and patient responsibility amounts exceeds or is disproportionate to the amounts to be collected as determined by the City's write off policy.

#### **Account Adjustments and Write Offs**

- A. The City's billing agency is authorized to consider all cases of financial hardship based on the City's financial assistance hardship guidelines.
- B. Uncollected balances on patients accounts that have been sent to collection and/or have had no activity for 270 days shall be deemed uncollectible and may be written off of the City's accounts receivable balances.

#### **PROCEDURES**

##### **EMS Billing & Collection**

- A. Third party billing agencies must:

- 1) Have in place a compliance program conforming to standards set forth in the Office of Inspector General's Compliance Program Guidance for Third Party Medical Billing Companies, 63 Federal Register 70138, as amended.
  - 2) Deposit funds payable to the City directly into a designated City account, through a lock box or similar arrangement.
  - 3) Not be subject to exclusion from any state or federal health care program.
  - 4) Be bonded and/or insured in amounts satisfactory to the City.
- B. A detailed listing of patients who utilize EMS will be compiled by the Auburn Fire Department. This information will be transmitted to the agency responsible for billing in the form of a patient care report. The information will however be subject to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:
- 1) Name, address, and telephone number of patient.
  - 2) Name, address and claim number of insurance carrier, if applicable.
  - 3) Date, time and EMS chart number.
  - 4) Point of origin and destination.
  - 5) A Center for Medicare & Medicaid Services approved method for mileage billing.
  - 6) Reason for transport/ patient's complaint/ current condition.
  - 7) Itemization and description of services provided and charges.
  - 8) Signature of the patient (when possible) or authorized decision maker.
  - 9) Name of receiving physician.
  - 10) Names, titles, and signatures of ambulance personnel, when possible.
- C. The fee schedule for EMS is attached as Appendix A and may be amended from time to time.
- D. Payments on EMS invoices may be made by mail to the City's third party billing agency, on the City's website, or in person at Auburn City Hall located at 60 Court Street, Auburn, Maine.

### **Account Adjustments**

- A. All patients are to be billed for transport upon receipt of billing information from the fire department.
- B. The City may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills so long as the City determines that:

- 1) The financial condition of the patient requires such an arrangement; and
  - 2) The patient and/or financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.
- C. The City shall not Balance Bill when prohibited by law.
- 1) Providers must accept the Medicare allowed charge as payment in full and may not bill or collect from the beneficiary any amount other than the unmet Part B deductible and Part B coinsurance amounts.
  - 2) For patients covered by Medicaid (Mainecare), the city will accept the payment from Medicaid as payment for services and will not pursue the patient for the remaining balance of the invoice.

#### **Write Off of Uncollectible Accounts**

- A. The City authorizes the billing contractor/agent to bulk write off amounts not contractually allowed by Medicare and Medicaid and provide reports to the City of such write offs.
- B. For all commercial insurance and private pay clients; all appropriate charges shall be applied uniformly without regard to ability to pay or probability of payment.
- C. Any account that has aged more than 90 days without activity or payment history shall be referred to the City for review. The billing contractor/agent must include all account documentation that demonstrates timely and efficient billing practices. This should include but not be limited to:
- 1) Account notes
  - 2) Proof of billing statements and date of mailing(s) or electronic contact
  - 3) Summary of amount billed and any current amount received
  - 4) Summary of outstanding balances
  - 5) Evidence of payment plan if applicable

After review the City will transfer uncollected balances to a collection agency designated by the City for continued collection efforts. Either when the collection agency determines that the account is uncollectible or 270 days from last insurance payment with no activity, the account will be determined to be uncollectible and it will be written off.

#### **APPENDIX A**

**City of Auburn EMS Transport Rate Schedule as of September 29, 2016:**

<b>BLS emergency</b>	<b>\$650.00</b>
<b>ALS emergency</b>	<b>850.00</b>
<b>ALS2 emergency</b>	<b>1,200.00</b>
<b>Loaded mile</b>	<b>14.00</b>

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER **87-11212016**

ORDERED, that the City Council hereby endorses and adopts the Cultural Plan LA, a five year plan with goals to: Foster Community Cohesion and Cultural Understanding, Amplify Quality of Life with Accessible Lifelong Learning in Arts and Culture, Further the Position of Arts and Culture in Local Governments, Bolster LA's Creative Capital and Entrepreneurial Activity and Utilize Arts and Culture to Enhance LA's Image to Attract and Engage Residents, Tourism and New Investment.

**Passage on 11/21/2016 6-0 (Councilor Walker absent).**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 88-11212016

ORDERED, that Cascades Drive, as laid out on the plan of the Auburn Industrial Subdivision, as approved by the Auburn Planning Board on June 10, 2016, and recorded at the Androscoggin County Registry of Deeds in Plan Book 51, Pages 110, 111, and 112, is hereby accepted as a City Street as provided in Title 23 M.R.S.A. § 3026 et sequ:

**Passage on 2/6/2017 6-0.**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 89-12052016

ORDERED, that the City Council hereby re-appoints Susan Clements-Dallaire as Registrar of Voters with a term expiration of December 31, 2018.

Passage on 12/5/2016 7-0.



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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

ORDER 90-12052016

ORDERED, that the City Council hereby re-appoints Karen Scammon as the City Tax Assessor with a term expiration of January 31, 2019.

Passage on 12/5/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER **91-12052016**

ORDERED, that the City Council hereby approve \$325,000 be used from the Downtown TIF account for the reconstruction of Hampshire Street.

Passage on 12/5/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 92-12052016

ORDERED, that the City Council hereby approves the Liquor License (Class A Lounge) and Special Amusement Permit for Sapphire Entertainment, Inc., located at 150 Center Street.

Passage on 12/5/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 93-12192016

ORDERED, that the City Council hereby approves the request for Liquor License and Special Amusement Permit for LAVA/House of Bacon, located at 34 Court Street.

**Passage on 12/19/2016 6-0 (Councilor Pross absent).**

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



Jonathan P. LaBonte, Mayor

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

## IN CITY COUNCIL

### ORDINANCE 01-01042016

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 2, Administration, Article Article II, Mayor and City Council, Division 2, Rules of Procedure, Section 2-58, Time and place of regular meetings be amended as follows:

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

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

Passage to dispense the requirement of  
reading on two separate days and to adopt the  
ordinance amendment as presented on  
1/4/2016, 7-0.



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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 02-02222016

Be it ordained by the Auburn City Council, that Chapter 20, Article IV – Housing Code be amended as shown on the attached draft dated March 2, 2016 and labeled as “Draft 1 as amended by Council on 2/22/16”.

**Passage of first reading, with amendment on 2/22/2016 6-0 (Councilor Walker absent).**  
**Passage of second and final reading on 3/7/2016 6-1 (Councilor Pross opposed).**

## ARTICLE IV. - HOUSING CODE

### DIVISION 1. - GENERALLY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12-147. - Compliance required.

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

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

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

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

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

Sec. 12-149. - Exceptions permitted.

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

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

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

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

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

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

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

Secs. 12-151—12-169. - Reserved.

## DIVISION 2. - INSPECTIONS

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

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

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

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

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

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

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

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

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

Secs. 12-173—12-194. - Reserved.

## DIVISION 3. - ENFORCEMENT

Sec. 12-195. - Procedure generally.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Secs. 12-202—12-224. - Reserved.

#### DIVISION 4. - MINIMUM STANDARDS

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

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

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

Sec. 12-226. - Maintenance.

All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

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

Sec. 12-227. - Plumbing.

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

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

Sec. 12-228. - Heating and ventilation.

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

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

Sec. 12-229. - Electrical and lighting.

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

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

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

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

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

Sec. 12-231. - Garbage and rubbish.



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

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

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

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

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

Sec. 12-233. - Space and occupancy.

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

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

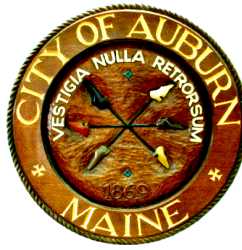
Sec. 12-234. - Dwelling occupancies prohibited adjacent to hazardous establishments.

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

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



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



Jonathan P. LaBonte, Mayor

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

## IN CITY COUNCIL

### ORDINANCE 03-02222016

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

**Passage of first reading on 2/22/2016 6-0  
(Councilor Walker absent). Motion failed  
at second reading on 3/7/2016 3-4  
(Councilors Walker, Young, Stone, and  
Titus opposed).**

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 04-03072016

Be it ordained by the Auburn City Council, that the City of Auburn Zoning Ordinance, Article IV, Division 14, be amended by replacing the Central Business District with a Form Based Code and related text amendments, and by amending the official City of Auburn Zoning map as shown on the attached draft dated February 9, 2016.

**Public hearing and passage of first reading on  
5/2/2016 6-0 (Councilor Burns absent). Passage  
of second reading on 5/16/2016 7-0.**



## City of Auburn, Maine

Office of Planning & Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

To: Mayor Jonathan P. LaBonte and the Auburn City Council

From: Douglas M. Greene, AICP, RLA; City Planner

Date: May 2, 2016

RE: Public Hearing and 1<sup>st</sup> Reading on Form Based Code Map and Text Amendment

---

The Auburn Planning Board held a public hearing on April 12, 2016 to consider a motion for a Form Based Code map and text amendment. Notification letters were sent out to all affected property owners and to all abutters within 500 feet.

During the meeting, staff presented the proposal to the Planning Board along with 2 changes:

1. Modifying the side yard set-back for T-5.1, T-5.2 and T-6 from a minimum of five (5) feet, down to a new minimum of zero (0) feet. The Planning Board agreed to amend the Form Based Code to include the proposal.
2. A request to expand the T-6, Great Metropolitan District to include properties along the Androscoggin River and Court Street. The Planning Board discussed and deliberated the proposal and agreed to expand the T-6 District to include properties along the Androscoggin River but not properties along Court Street.

The Planning Board unanimously voted to recommend the City Council approve the Form Based Code map and text amendment, with the changes listed in this memo.

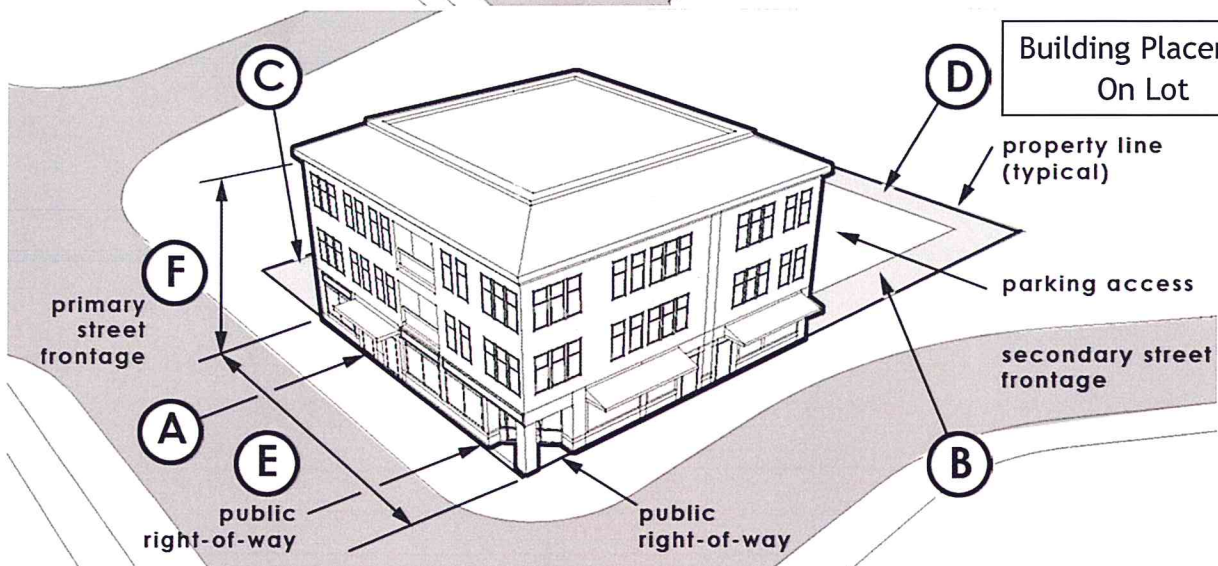
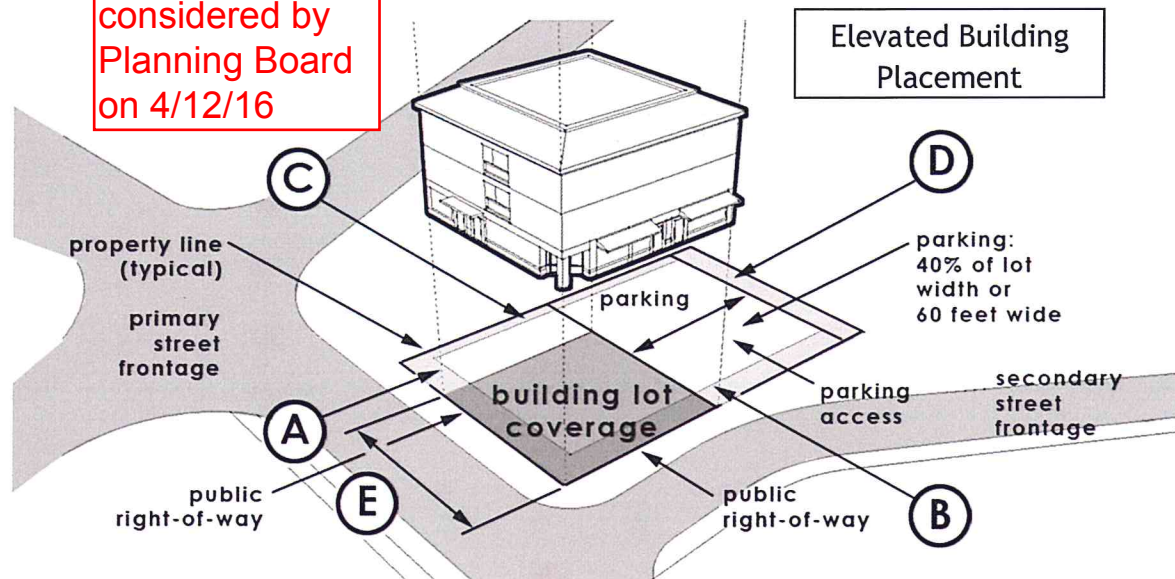
#### Enclosures:

1. Example of side yard reduction (page 2)
2. Maps of proposed changes to T-6 District (pages 3 and 4)

Cc: File

## Sec. 60-550.1 BUILDING PLACEMENT & CONFIGURATION T-5.1

Revisions  
considered by  
Planning Board  
on 4/12/16



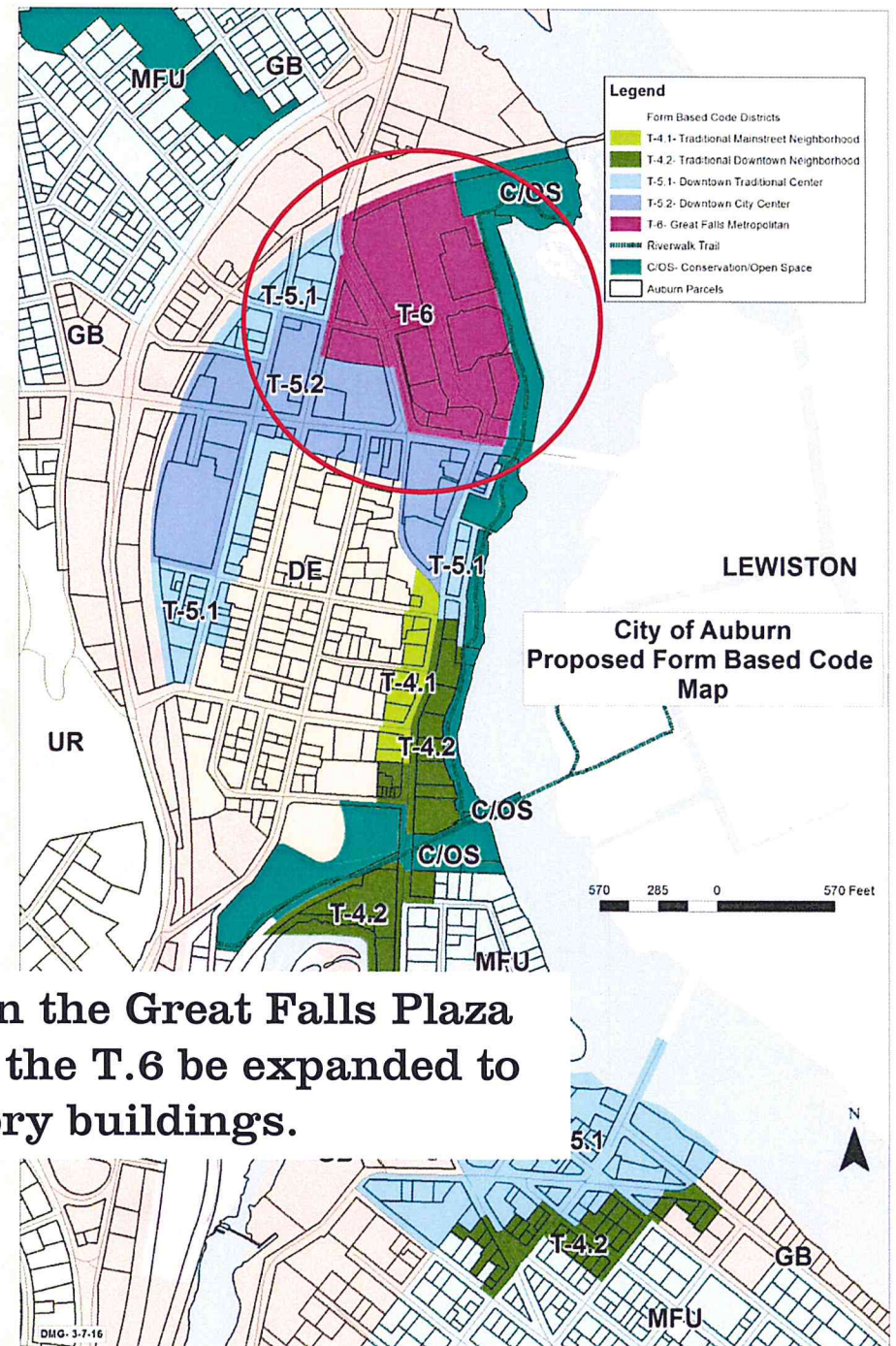
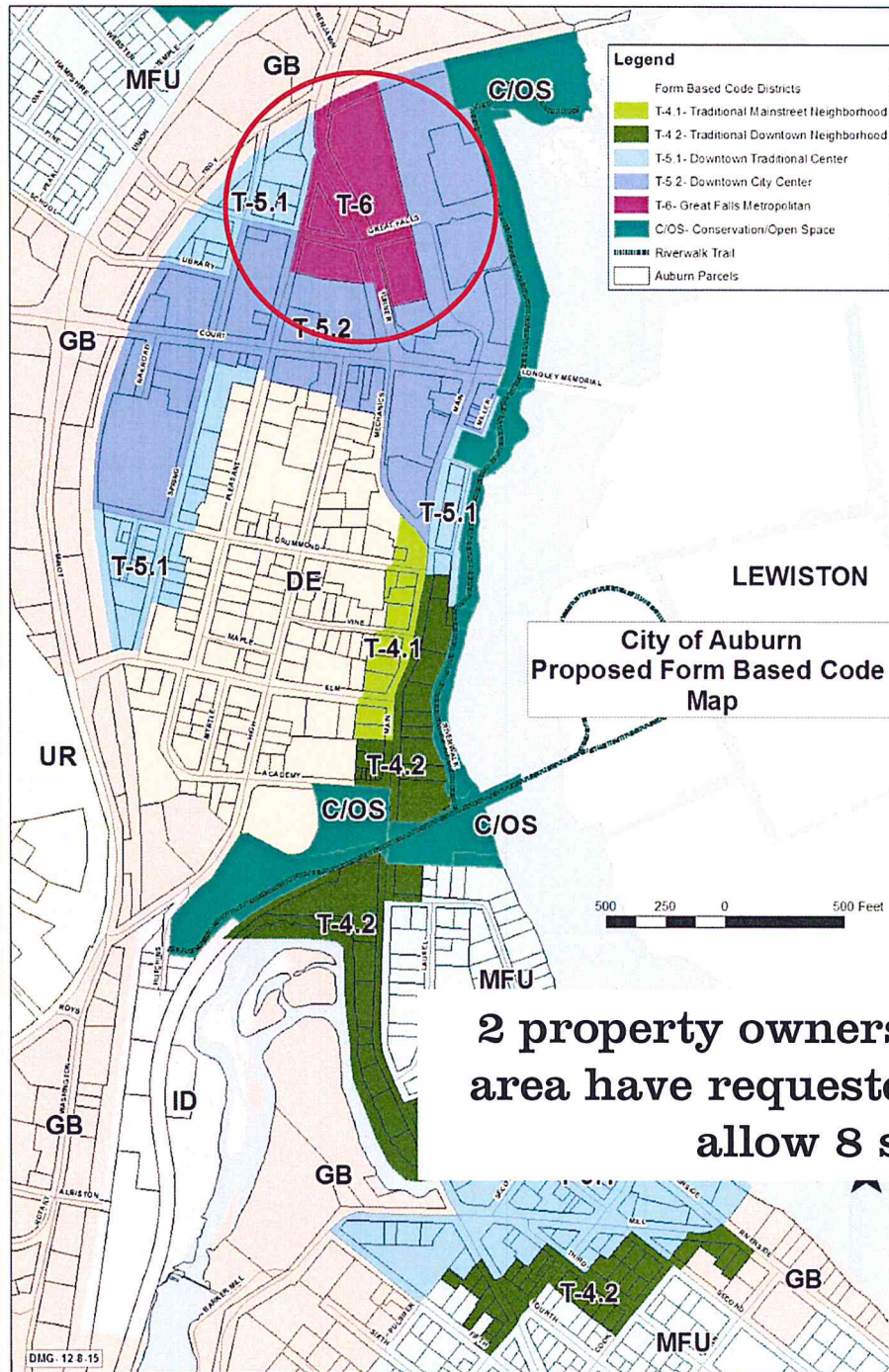
### PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0 ft*- 5 ft Min	(C)
	<u>*Subject to Building Permit Approval</u>	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	75% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	75% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 160 ft Max	

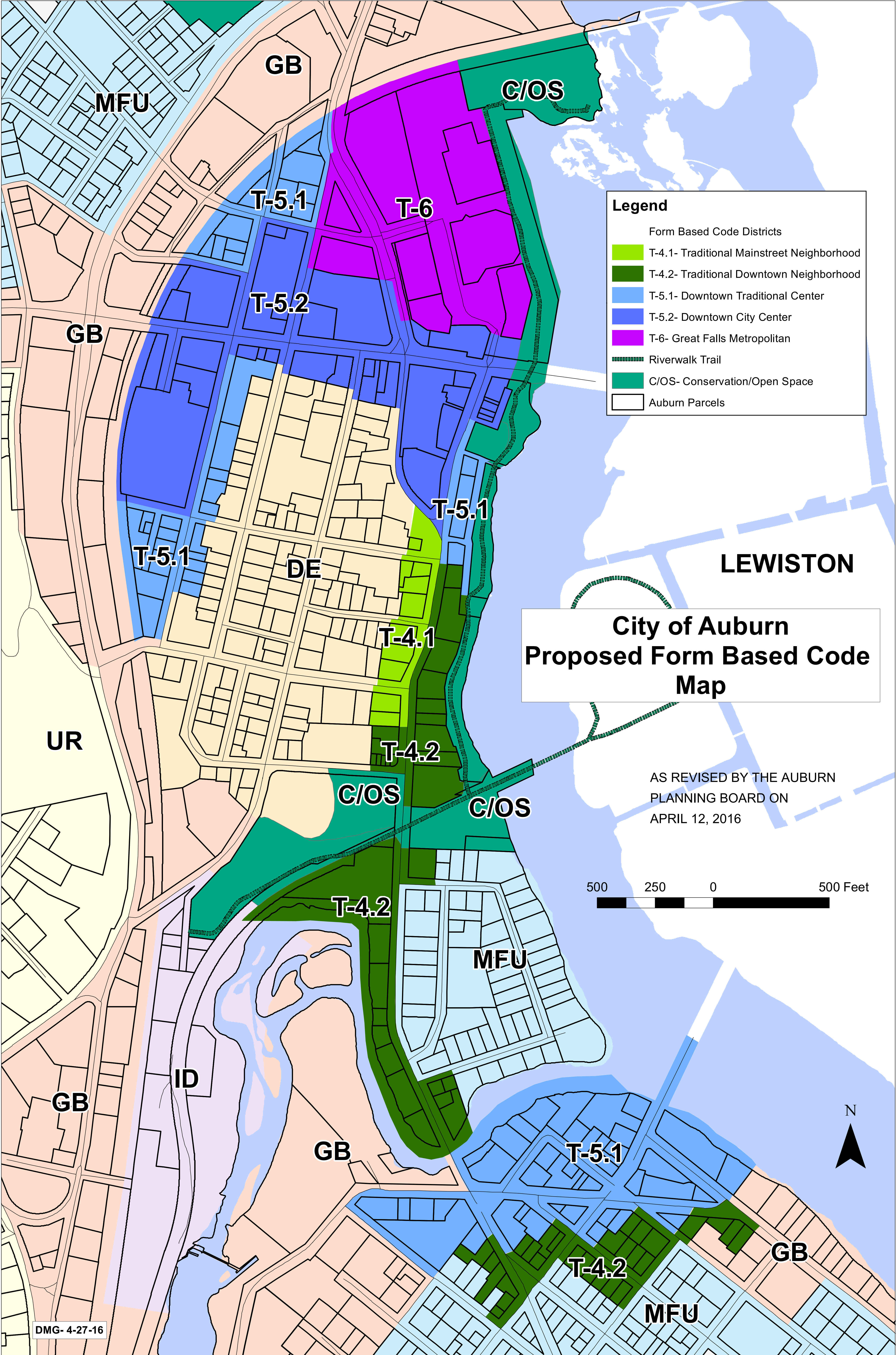
### PRINCIPAL BUILDING CONFIGURATION:

Building Width:	14 ft Min, 150 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	4 Story Max	(F)
	(excluding attic story)	









**Legend**

Form Based Code Districts

- T-4.1- Traditional Mainstreet Neighborhood
- T-4.2- Traditional Downtown Neighborhood
- T-5.1- Downtown Traditional Center
- T-5.2- Downtown City Center
- T-6- Great Falls Metropolitan

Riverwalk Trail

C/OS- Conservation/Open Space

Auburn Parcels

**City of Auburn  
Proposed Form Based Code  
Map**

AS REVISED BY THE AUBURN  
PLANNING BOARD ON  
APRIL 12, 2016





## Chapter 60 - ZONING<sup>[1]</sup>

Footnotes: --- (1) ---

**State Law reference**— Municipal planning and land use regulation generally, 30-A M.R.S.A. § 4301 et seq.; land use regulation, 30-A M.R.S.A. § 4351 et seq.; zoning ordinances, 30-A M.R.S.A. § 4352; regulation of manufactured housing, 30-A M.R.S.A. § 4358; enforcement of land use regulations generally, 30-A M.R.S.A. § 4451 et seq.; subdivisions, 30-A M.R.S.A. § 4401 et seq.; fences and fence viewers generally, 30-A M.R.S.A. § 2951 et seq.; local growth management programs, 30-A M.R.S.A. § 4321 et seq.; Airport Zoning Act, 6 M.R.S.A. § 241 et seq.

### 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.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

**Accessory Structure or Building** means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

**Accessory Use** means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

**Adult Day Center** means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

**Animal Unit** means one living animal of any species.

**Antique Shop** means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

*Apartment.* See the term Dwelling unit.

*Architectural Features* means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

*Art Galleries* means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

*Artist Studio, Residential* means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use. (relocated 2/9/16)

*Automobile* means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

*Automobile and Marine Paint and Body Shops* means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

*Automobile and Marine Repair and Service Station* means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

*Automobile, Commercial,* means a vehicle the primary use of which is commercial in character.

*Automobile Filling station* means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

*Automobile Garage, Private,* means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

*Automobile Parking Lot, Private,* means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

*Automobile Repair and Service Station* means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

*Automobile Sales Lot* means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

*Automobile Scrap Yard* means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

*Automotive Towing and Storage* means a business engaged in/or offering the services of a tow truck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

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

*Bed and Breakfast Home* means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive



days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

*Bed and Breakfast Inn* means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

*Boardinghouse or Lodginghouse* means a dwelling, which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner resides in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

*Building* means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term Structure.)

*Building Envelope means the ground area on a lot and the space above it on which a building may be constructed. (added on 10/15/15)*

*Building Form means the overall shape and dimensions of a building.*

*Building Height* means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

*Building Inspector* means the building inspector of the City of Auburn, Maine, or ~~their~~ his duly authorized agent.

*Building Line* means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project. ~~Also called "Build-to-Line" in Form-Based Code.~~

*Building, Principal*, means a building in which is conducted the principal use of the lot on which it is situated.

*Care Home* means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

*Cellar* means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

*Cemetery* means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

*Child Care Home* means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

*Child day Care Center* means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

*Child Day Care Home* means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

- (1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.
- (2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

*Church* means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

*Clinic* means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

*Club, Private*, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

*Community Based Residential Facilities (CRF)* means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

*Comprehensive Plan* means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

*Convenience Store* means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

*Court* means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

*Dental Clinic* means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

*Development Standard(s)* means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The Development Standards establish both boundaries within which development may take place and what requirements apply.

*Director or PACE director* means the PACE-dDirector of Planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

*District or Zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

*District, Overlay*, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

*Dormitory* means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

*Driveway* means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

*Dump* means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

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

*Dwelling, Multifamily*, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

*Dwelling, One-Family Detached*, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

*Dwelling, Seasonal*, means a dwelling occupied for not more than six months of any year.

*Dwelling, Two-Family*, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

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

*Eave* means the edge of a roof which projects beyond the exterior wall.

*Encroachment* means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, beyond the Building, into the public frontage, or above a height limit.

*Erected* includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

*Facade* means the vertical surface of a building.

*Family* means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

*Farm* means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

- (1) At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and

- (2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.

*Farm, animal*, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area is provided for each animal unit ~~contains at least the following~~, excluding water bodies of one-quarter acre surface area or larger:

- (1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.
- (2) Horse: 1.5 animal units per acre of cleared hay/pasture land.
- (3) Sheep: Three animal units per acre of cleared hay/pasture land.
- (4) Swine: Two animal units per acre of cleared land.
- (5) Other animal farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

*Floodplain overlay* means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

*Floor area of building* means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

*Frontage* means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Form Based Code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. (Added 10/16/15)

Form Based Code Zoning District means one of the five areas on the Regulating Plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage Line means the lot line(s) of a lot fronting a street or other public way.

~~Frontage, Private means the area between the building façade and the shared lot line between the public right-of-way and the lot.~~

~~Frontage, Public means the area between the curb of the vehicular lanes and the edge of the right-of-way.~~

*Greenhouse* means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

- (1) The sale of greenhouse products and related supplies; and
- (2) The storage of material used in the maintenance of plants and growing items sold.

*Grocery Store* means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

*Ground Area of Building* means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

*Group Home* See the term Community Based Residential Facilities.

*Guesthouse* means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

*Habitable Space* means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

*Half-Story* means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

*Historic Site* means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

*Historic or Archaeological Resources* means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

*Hog Farm* means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

*Home Occupation* means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

*Hospital* means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

*Hotel* means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

*Household pet* means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

*Illustrative Plan* means a plan or map that depicts (i.e. illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.



*Industrial use, heavy*, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

*Industrial use, light*, means the use of real estate, building or structure, or any portion thereof, the main processes of which involve the assembly of prefabricated parts and which will not create a nuisance by noise, smoke, vibration, odor or appearance.

*Institution* means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

*Institution, philanthropic*, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

- (1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or
- (2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

*Institution, private educational*, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms Training school and School.)

*Institution, research*, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

*Junkyard or automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

*Kennel* means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

*Land Use Permit* means a permit required for the use of property that is legally permitted under the provisions of this chapter.

*Landscape Services* means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

*Lawn Maintenance service* means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeded of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

*Library* means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

*Livestock* means domestic animals kept, used or raised on a farm for the production of income.

*Lodge, private*. See the term Club, private.

*Lot* means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record;
- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;
- (5) Lots shown on a plan approved by the planning board of the City of Auburn.

*Lot frontage/width* means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

*Lot line, rear,* means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

*Lot measurements* means the following measurements:

- (1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of ~~lot frontage straight lines connecting the foremost points of the side lot lines in front~~ and the ~~midpoint of the rearmost points of the side lot lines in the rear unless a rear~~ lot line unless the lot meets the exception provided for by section 60-39.
- (2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

*Lot of Record* means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

*Lot Types* means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

- (1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)
- (2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.
- (3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.
- (4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

*Lot, Undersized*, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

*Major or Principal Arterial Highway* means the highway that:

- (1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;
- (2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;
- (3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

*Major Retail Development* means a single building in excess of 100,000 square feet of new ground floor retail space.

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

*Mining, Quarrying*, or earth removing means the excavation of any earth materials.

*Minor Arterial Highway* means the highway that:

- (1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;
- (2) Provides access to geographic areas smaller than those served by the major arterial highway system; and
- (3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

*Mobile Home Development*, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

*Mobile Home Park* means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for non-transient use.

*Mobile Homes, newer*, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department



of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

*Mobile homes, older*, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

*Modular homes* means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

*Motel* means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

*Municipal sanitary landfill* means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

*Municipal uses* means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

*Museum* means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

*Nonconforming building* means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

*Nonconforming lot* means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

*Nonconforming use* means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

*Nursery* means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

*Nursery, child*, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

*Nursery, wholesale*, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

- (1) 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; and
- (2) 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.

*Office* means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

*Office trailer* means a movable vehicle or structure designed for year-round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

*Outpatient Addiction treatment clinic* means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

~~PACE means the city's planning, accessing, code, and economic development department.~~

~~Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.~~

*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.

*Performing Arts Center* means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

~~Personal Services the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product. (added 2/9/16)~~

~~Place of Worship see definition of Church. (added 2/9/16)~~

*Planning Board* means the planning board of the City of Auburn, Maine.

~~Planning director means the director of the city department of community development and planning.~~

~~Primary Entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.~~

*Principal Use* means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

*Professional Office* means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

~~Realm, Private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.~~

~~Realm, Public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.~~

*Recreational Uses of Land* means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving

ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races and facilities for mass gatherings when used for two or more events during a calendar year.

Regulating Plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the Form Based Code.

*Restaurant* means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

*Restaurant, Carry-Out*, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

*Restaurant, Drive-in*, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

*Retail* means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

*Retail Space* means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

*Rifle, Pistol, Skeet or Trap Shooting Range* means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

*Road* means any public or private traveled way or any portion thereof.

*Roof* means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

*Sawmill* means a unit designed to saw logs into lumber, firewood or other processed wood products.

*School* means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term Training school.)

*Shared Housing* means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

*Shelter for Abused Persons* means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

*Shopping Center* or office mall means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

*Sign* means any device, display surface, structure or object in public intended for visual communications.

*Sign, Mobile Mounted*, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

*Sign, Official Business Directional*, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

*Sign, On-Premises*, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

*Sign, Standing*, means any sign that is not attached to a building.

*Sign, Temporary*, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

*Site-Built Home* means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

*Slaughterhouse* (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

*Special Exception* means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

*Specialty Shop* means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a non-homogeneous quality.

*Stable, Riding*, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

*Standing* means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

*Story* means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

*Story, Half*, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

*Street* means the following:

- (1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;
- (2) A way accepted by the municipal officers of the city;
- (3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or
- (4) A way on a plan of a subdivision duly approved by the planning board.

*Street frontage*. See the term Frontage.

*Street Line* means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, Secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Primary Street means the street that is considered to be more intensely used than the other on a corner or double sided lot.

*Structure or Building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

*Subdivision* means a division of land as defined in 30-A M.R.S.A. § 4401.

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

*Supermarket* means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

*Swimming Pool* means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

*Theater, Indoor,* means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

*Theater, Outdoor,* includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

*Tourist Home.* See the term Bed and breakfast home.

*Townhouse* means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

*Trailer or RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

*Trailer Home* means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

*Training School* means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

*Transect (Rural-to-Urban)* means a cross-section of the environment showing a range of different building development zones. The Rural-to-Urban Transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

*Transmission Towers* means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

*Useable Open Space* means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over 10% slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.



*Variance* means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

*Wayside Stand* means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

*Wholesale* means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

*Yard* means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

*Yard, Front*, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

*Yard, Rear*, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

*Yard, Side*, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

*Zone*. See the term District.

NOTE: Cross outs are based on comments by the Auburn Planning Board at their October 13, 2015 workshop.

## Sec. 60-4. - Zoning districts.

- (a) For the purposes in section 60-3, the use, construction and alteration of buildings and structures and the use and alteration of land in the city are hereby restricted and regulated according to the provisions of this chapter.
- (b) The city is hereby divided into zoning districts designated as follows and more fully described on the official zoning map:

District title	Classification	Short title
Agriculture and Resource Protection	Resource	AG
Low Density Country Residential	Resource/Residential	LDCR
Rural Residence	Residential	RR
Suburban Residence	Residential	SR
Urban Residence	Residential	UR
Multifamily Suburban	Residential	MFS
Multifamily Urban	Residential	MFU
Planned Unit Development	Residential/Commercial	PUD
Downtown Enterprise Zone	Residential/Commercial	DEZ
General Business	Commercial	GB
Neighborhood Business	Commercial	NB
<u>Central Business Form Based Code Regulating Plan</u>	<u>Commercial</u>	<u>GB</u>
<u>Traditional Main Street Neighborhood (Transect 4.1)</u>	<u>Residential/Commercial</u>	<u>T-4.1</u>
<u>Traditional Downtown Neighborhood (Transect 4.2)</u>	<u>Residential/Commercial</u>	<u>T-4.2</u>
<u>Downtown Traditional Center (Transect 5.1)</u>	<u>Residential/Commercial</u>	<u>T-5.1</u>
<u>Downtown City Center (Transect 5.2)</u>	<u>Residential/Commercial</u>	<u>T-5.2</u>
<u>Great Falls Metropolitan (Transect 6)</u>	<u>Residential/Commercial</u>	<u>T-6</u>

Industrial	Industrial	ID
Floodplain Overlay District	Environmental	FPO
Taylor Pond Overlay District	Environmental	TPO
Lake Auburn Watershed Overlay District	Environmental	LAO
Shoreland Overlay District	Environmental	SLO
Manufacturing Housing Overlay District	Residential	MHO

(Ord. of 9-21-2009, § 1.2)

Sec. 60-5. - Zoning map.

- (a) The location and boundaries of the zoning districts and Form Based Code Regulating Plan in section 60-4 are as shown on the map entitled City of Auburn, Maine, Zoning Map, dated ~~March 2004~~, revised through its current date and revisions, is hereby adopted by reference and declared to be a part of this chapter.
- (b) As zoning district and form based code boundaries are amended from time to time in accordance with article XVII of this chapter, such changes shall be entered on the official zoning map promptly after final approval of the amendment and the date following "revised through" appearing on the map shall be changed to match the effective date of the latest amendment. All previous editions of the zoning map shall thereupon become obsolete, null and void.
- (c) The official zoning map, revised according to the most recent amendment, shall be located in the office of the department of community development and planning and shall be the final authority on current zoning district and form based code locations and boundaries. It shall be the responsibility of the city planning director to see that the official map is kept current and accurate.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-11; Ord. 12-09062011-04, 9-19-2011)

Sec. 60-6. - Zone boundaries.

In the interpretation of the exact boundaries of zoning districts and form based code as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following city or county limits shall be construed as following city or county limits;
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (5) Boundaries indicated as approximately following the centerlines of streams, lakes or other bodies of water shall be construed to follow such centerlines;



- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section indicated on the official zoning map shall be determined by the measurements using the scale of the map;
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of this section, the planning board shall interpret the zone boundaries.

(Ord. of 9-21-2009, § 1.4)

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

In all residential, general business and ~~central-business-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.

(Ord. of 9-21-2009, § 3.1C)

Sec. 60-40~~7~~ - Reduction in dimensional regulations.

No lot (except as allowed by the planning board at the time of final approval of a subdivision or development plan) shall be reduced, subdivided, conveyed, divided or otherwise transferred that violates, or creates a lot that violates, any minimum or maximum dimensional regulation of this chapter. No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots are in conformance with all dimensional regulations. If a serious health or safety issue with the property should arise, the director of planning and permitting services shall determine if a permit should be issued to correct the problem. This provision shall not allow further nonconformity to occur in order to achieve the corrective action necessary. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback or lot that is reduced below the minimum or extended beyond the dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

(Ord. of 9-21-2009, § 3.1H)

Sec. 60-47. - Corner lots.

There shall be a front yard along the street line as provided for under yard requirements, front in the district where located. all other yards shall be considered as side yards and measured as provided for under yard requirements, side in the district where located. On corner lots within the Form Based Code Districts, there shall be a Primary Street front yard and a Secondary Street front yard with minimum and maximum building setback requirements. The yard opposite from the Primary Street shall be considered the rear yard while the yard opposite the Secondary Street shall be considered the side yard.

(Ord. of 9-21-2009, § 3.10)

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DIVISION 14. - ~~CENTRAL BUSINESS DISTRICT~~<sup>1</sup>- FORM BASED CODE

Sec. 60-546. – PURPOSE:

The purpose of the Form Based Code is to

- a) Provide a building development pattern that is based upon the built environment's physical form and its relationship to the Public Realm and the Private Realm.
- b) Allow for a diversity of uses appropriate and compatible to the designated district area
- c) Provide a more accelerated building design, review, approval and construction process.
- d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern. .

Sec. 60-547. – ~~TRANSECTS~~-Form Based Code uses transects as a way to describe the areas under the Regulating Plan. A Transect is a system of ordering human habitats in a range from the most natural to the most urban. Auburn's transects are organized using 5 Form Based Code Districts, (Transect 4.1, Transect 4.2, Transect 5.1, Transect 5.2 and Transect 6), which describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

<sup>1</sup> NOTE: All text from the Central Business District has been deleted and replaced with the new Form Based Code

## Sec. 60-548 TRADITIONAL MAIN STREET NEIGHBORHOOD T- 4.1



**Illustrative View of T- 4.1 (Main Street)**

### **Intent and Purpose:**

#### **Traditional Main Street Neighborhood (T- 4.1)**

The Main Street Neighborhood district is designed to continue the existing pattern of large houses set along Main Street. This area is characterized by front porches, residential front yards and front doors facing the street. T- 4.1 promotes a lower-density and less concentrated pattern of buildings along the street, while maintaining a pleasing, connective and compact multi-modal environment.



## Sec. 60-548 TRADITIONAL MAIN STREET NEIGHBORHOOD T-4.1



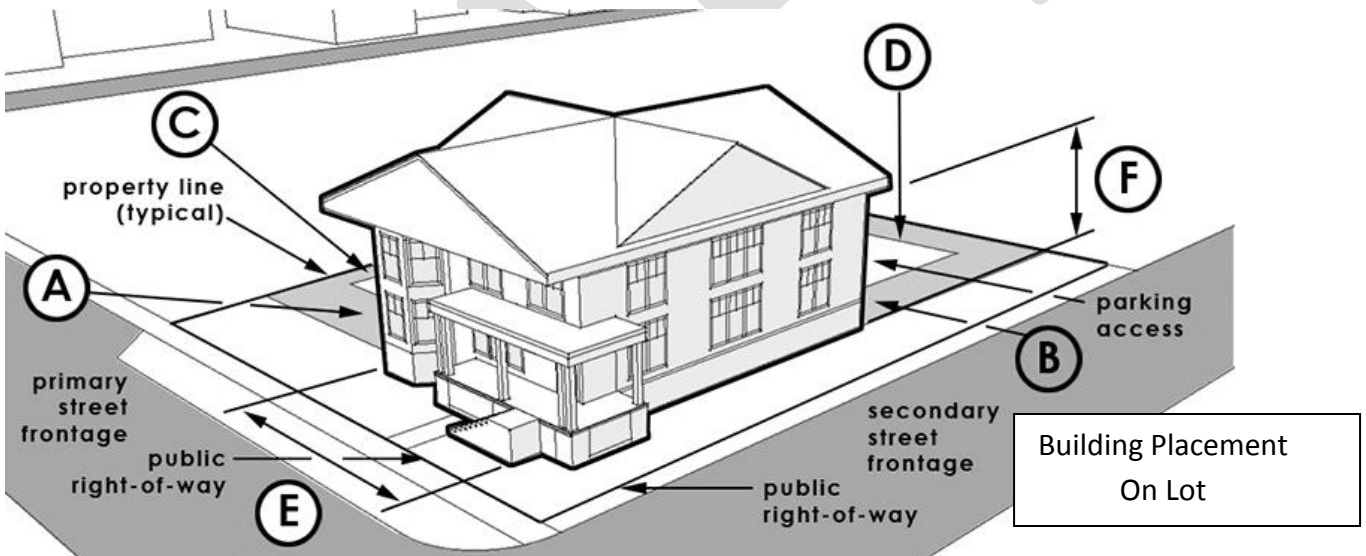
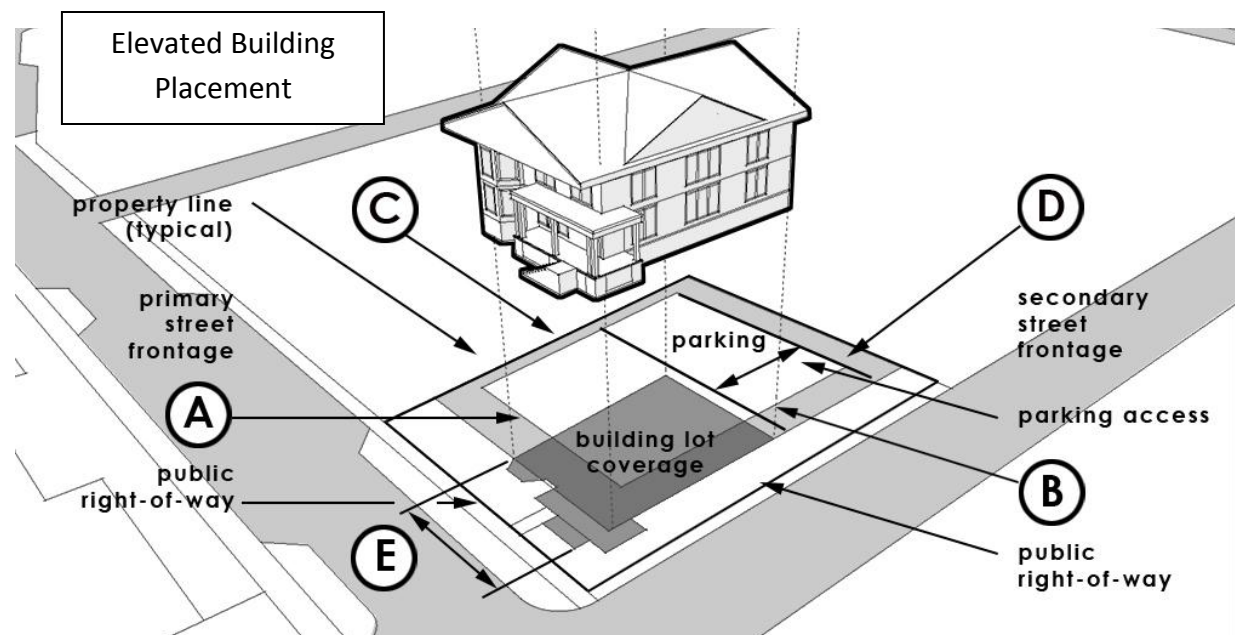
### Characteristic Features

- Front lawns
- Front facade detailing
- Frontage fences
- Porches
- Bay windows
- Foundation planting and yard landscaping
- Street Trees
- Lower Density



Examples of Main Street Neighborhood - T- 4.1

## Sec. 60-548.1 BUILDING PLACEMENT & CONFIGURATION T- 4.1



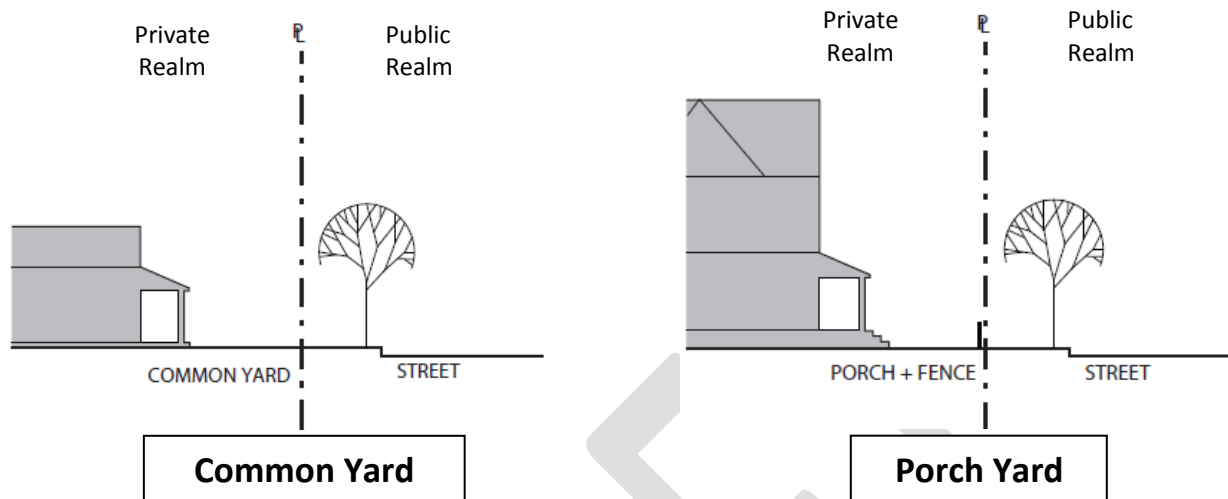
### PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	15 ft Min, 25 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	15 ft Min, 25 ft Max	(B)
Side Setback:	5 ft Min	(C)
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	60% Max	
Useable Open Space:	20% Min	
Frontage Build-Out:	40% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 120 ft Max	

### PRINCIPAL BUILDING CONFIGURATION:

Building Width:	14 ft Min, 64 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	2 Story Max	(F)
	(excluding attic story)	



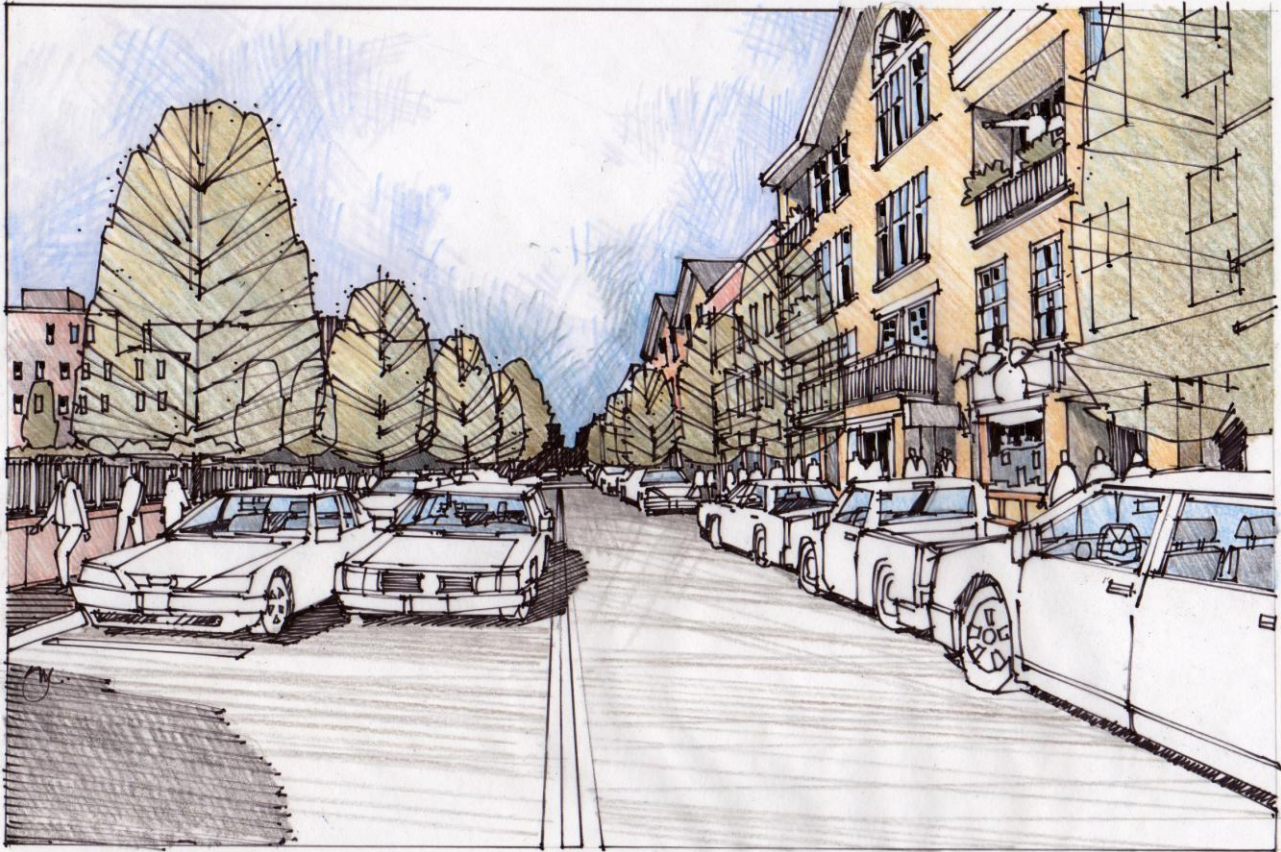


<b>BUILDING FRONTAGE TYPES:</b> .....	Common Yard; Porch Yard
<b>BUILDING ENTRIES:</b> .....	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facades:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story shall be a minimum of 2 feet and 6 feet maximum above the front yard elevation (average grade).
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence:	A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. Chain link, vinyl, split rail, or barbed wire is not allowed.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum or maximum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 10 ft. maximum. Front Setback, Secondary Frontage 10 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

## Sec. 60.549 TRADITIONAL DOWNTOWN NEIGHBORHOOD T-4.2

**Illustrative View of T- 4.2 (Spring Street)**



### **Intent and Purpose:**

#### **Traditional Downtown Neighborhood (T- 4.2)**

The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.



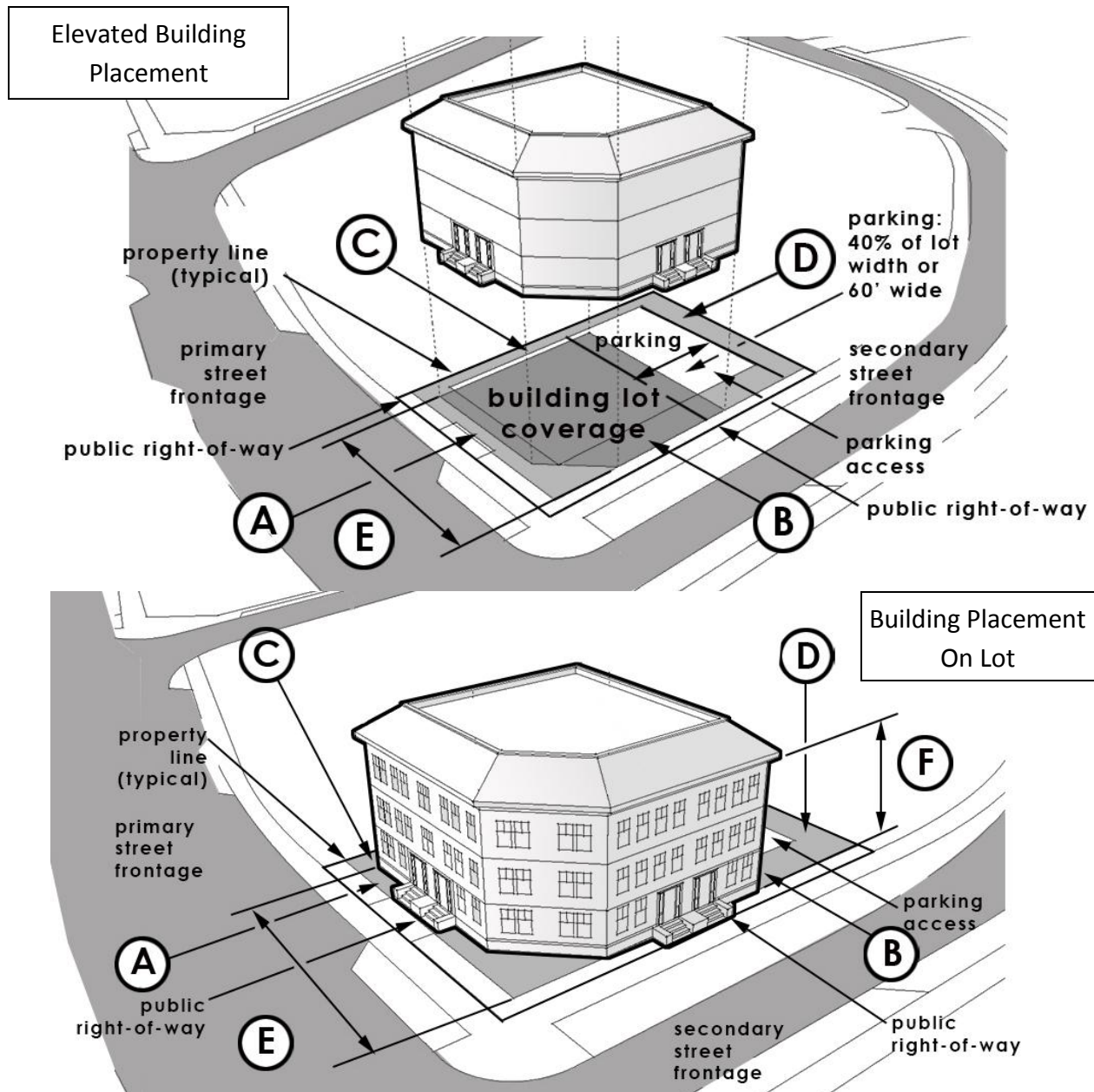
## Sec. 60.549 TRADITIONAL DOWNTOWN NEIGHBORHOOD T- 4.2



### Characteristic Features

- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

## Sec. 60-549.1 BUILDING PLACEMENT & CONFIGURATION T-4.2

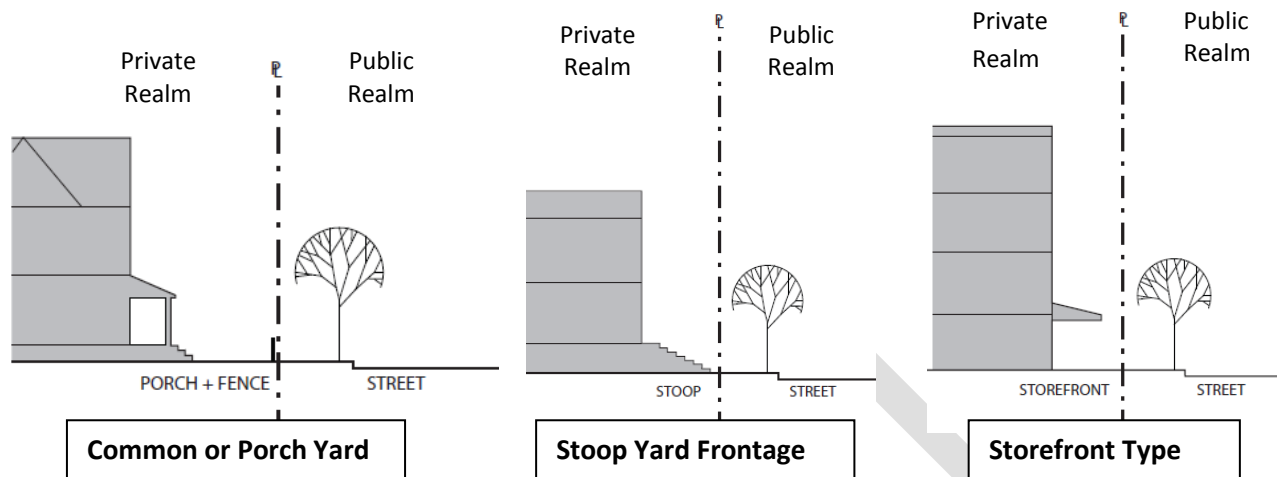


### PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	5 ft Min, 15 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	5 ft Min, 15 ft Max	(B)
Side Setback:	5 ft Min	(C)
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	70% Max	
Useable Open Space:	10% Min	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 120 ft Max	

### PRINCIPAL BUILDING CONFIGURATION:

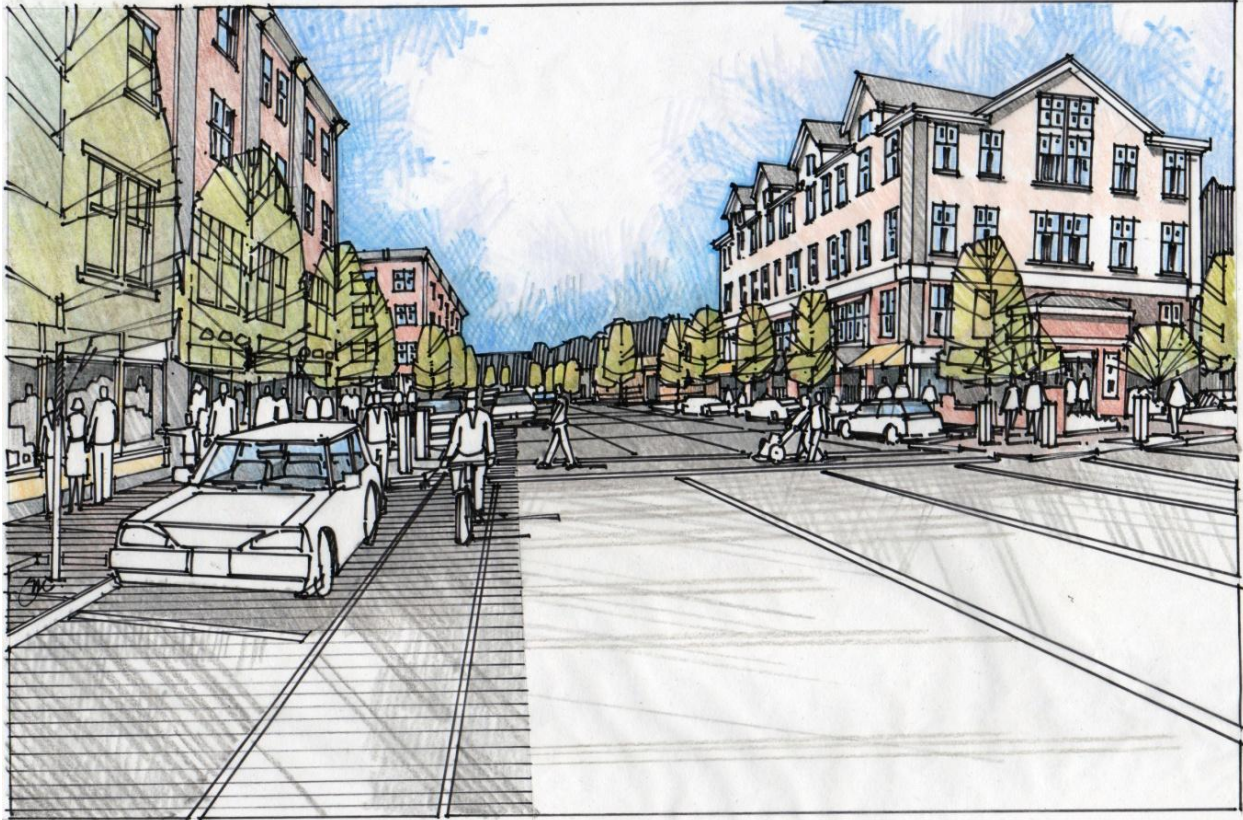
Building Width:	14 ft Min, 110 ft Max	(E)
Building Height Minimum:	1 Story Min	(F)
Building Height Maximum:	3 Story Max	(F) (excluding attic story)



<b>BUILDING FRONTAGE TYPES:</b> .....	Common Yard; Porch Yard, Stoop and Storefront
<b>BUILDING ENTRIES:</b> .....	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 5 ft maximum. Front Setback, Secondary Frontage 5 ft maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right of way or sidewalk. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.





**Illustrative View of T- 5.1 (Future Great Falls Plaza)**

**Intent and Purpose:**

**Downtown Traditional Center (T- 5.1)**

The Downtown Traditional Center zone is characterized by medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.





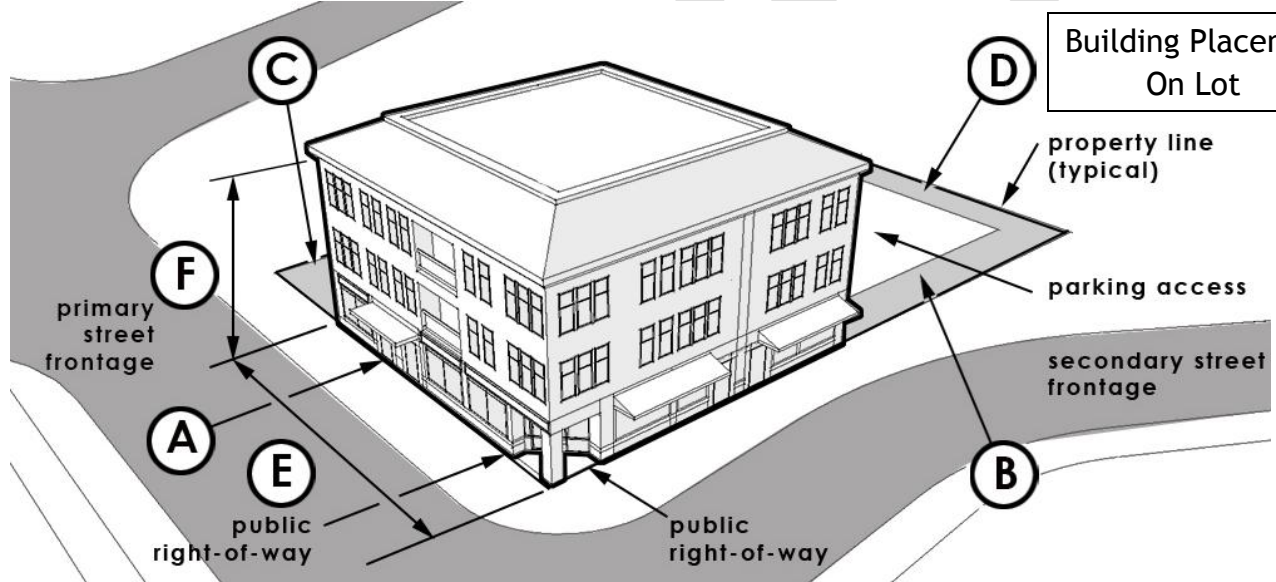
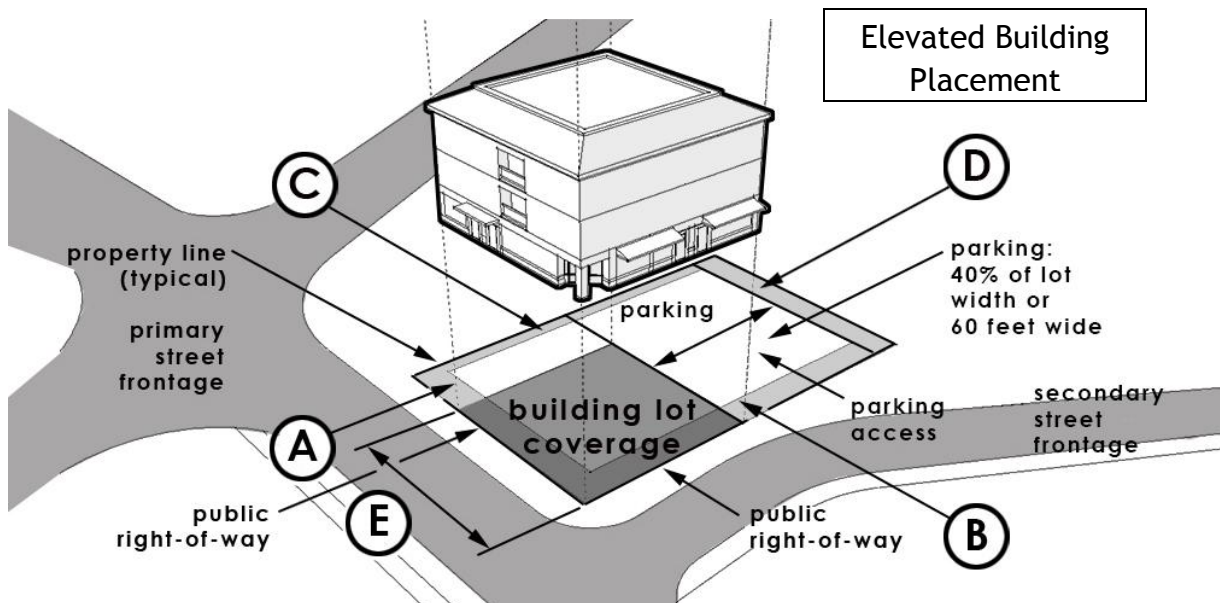
### Key Features

- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density



**Examples of Downtown Traditional Center – T- 5.1**

## Sec. 60-550.1 BUILDING PLACEMENT & CONFIGURATION T-5.1

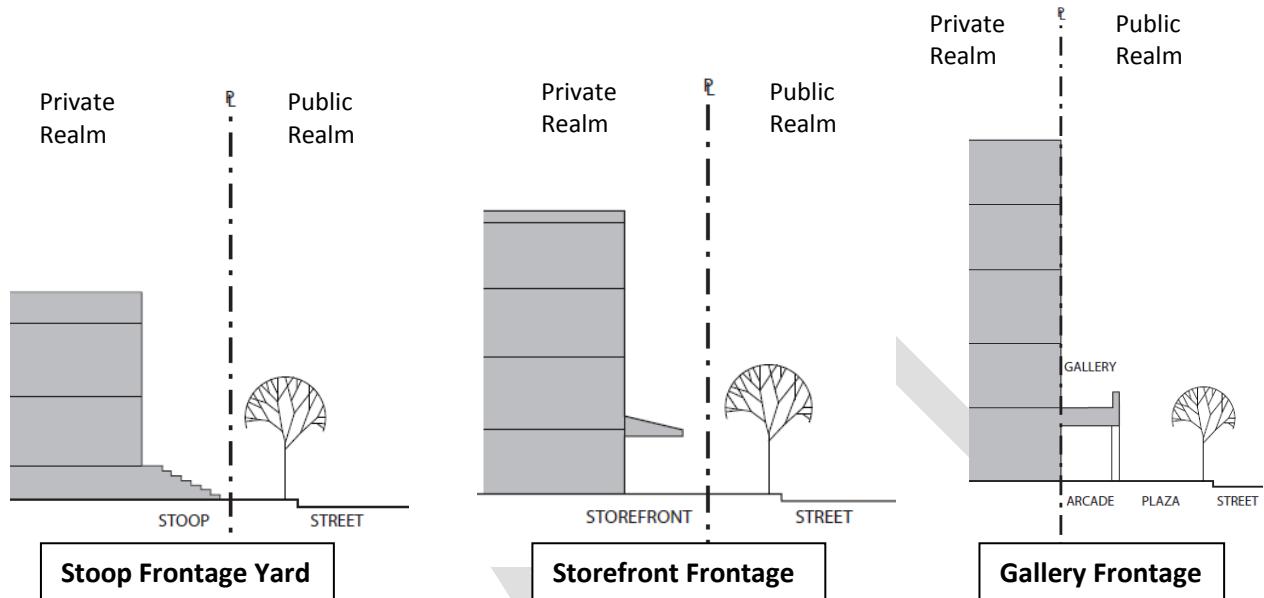


### PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0*-5 ft Min	(C)
	<u>*Subject to Building Permit Approval</u>	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	75% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	75% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 160 ft Max	

### PRINCIPAL BUILDING CONFIGURATION:

Building Width:	14 ft Min, 150 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	4 Story Max	(F)
	(excluding attic story)	



<b>BUILDING FRONTAGE TYPES:</b> .....	Stoop, Storefront and Gallery
<b>BUILDING ENTRIES:</b> .....	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence: (Residential)	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.





**Illustrative View of T- 5.2 (Court Street)**

**Intent and Purpose:**  
**Downtown City Center (T- 5.2)**

The Downtown City Center district is characterized by medium to large sized buildings in a compact urban environment. This setting will generate social and cultural activity and events, economic stimulation and human interaction. The streets will be important transportation corridors with large sidewalks. The large residential and commercial building widths, frontages and building heights form a solid, compact street wall pattern. The Downtown Center will generate regional economic development activity along with energized social and lifestyle options.



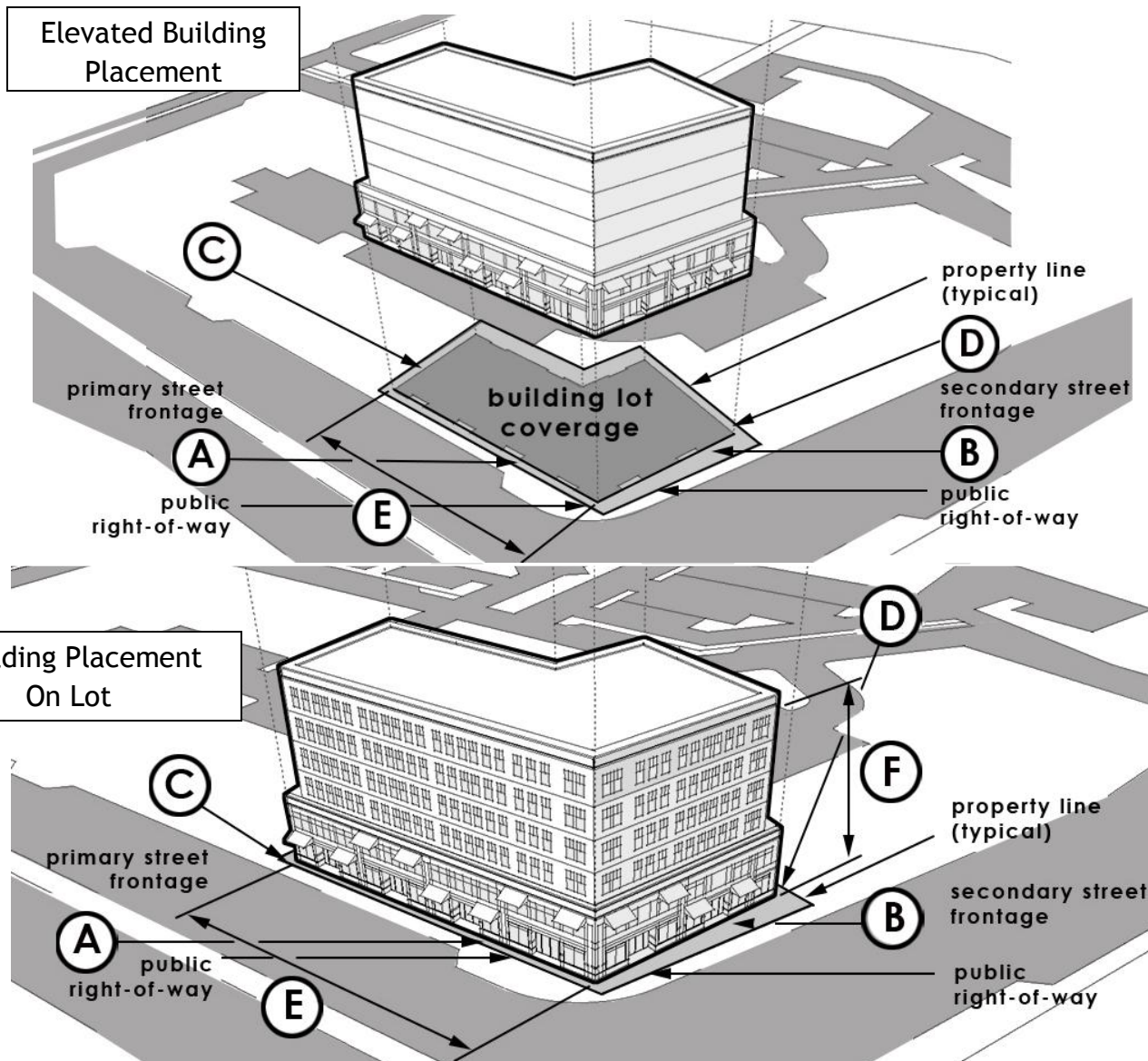
## Key Features

- Vibrant street life
- Front facade detailing
- Articulated storefront entrance
- Awnings for storefronts
- Balconies
- Wide sidewalks
- Street Trees
- Compact Urban Environment



Examples of Downtown City Center- T- 5.2



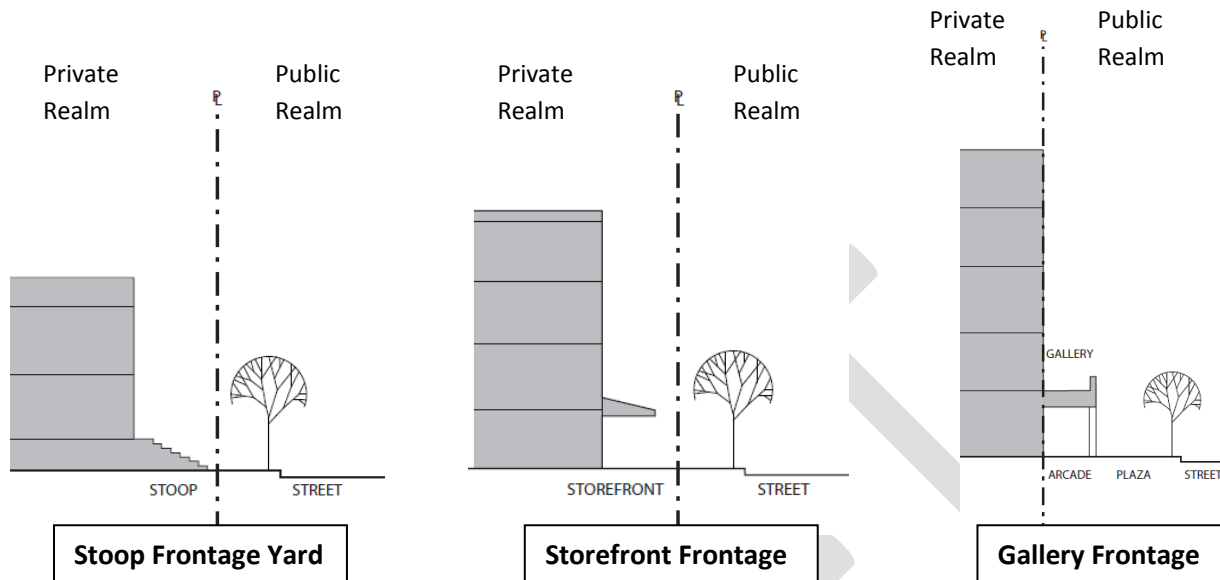


**PRINCIPAL BUILDING PLACEMENT:**

Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0*-5 ft Min	(C)
	<u>*Subject to Building Permit Approval</u>	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	80% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	85% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 240 ft Max	

**PRINCIPAL BUILDING CONFIGURATION:**

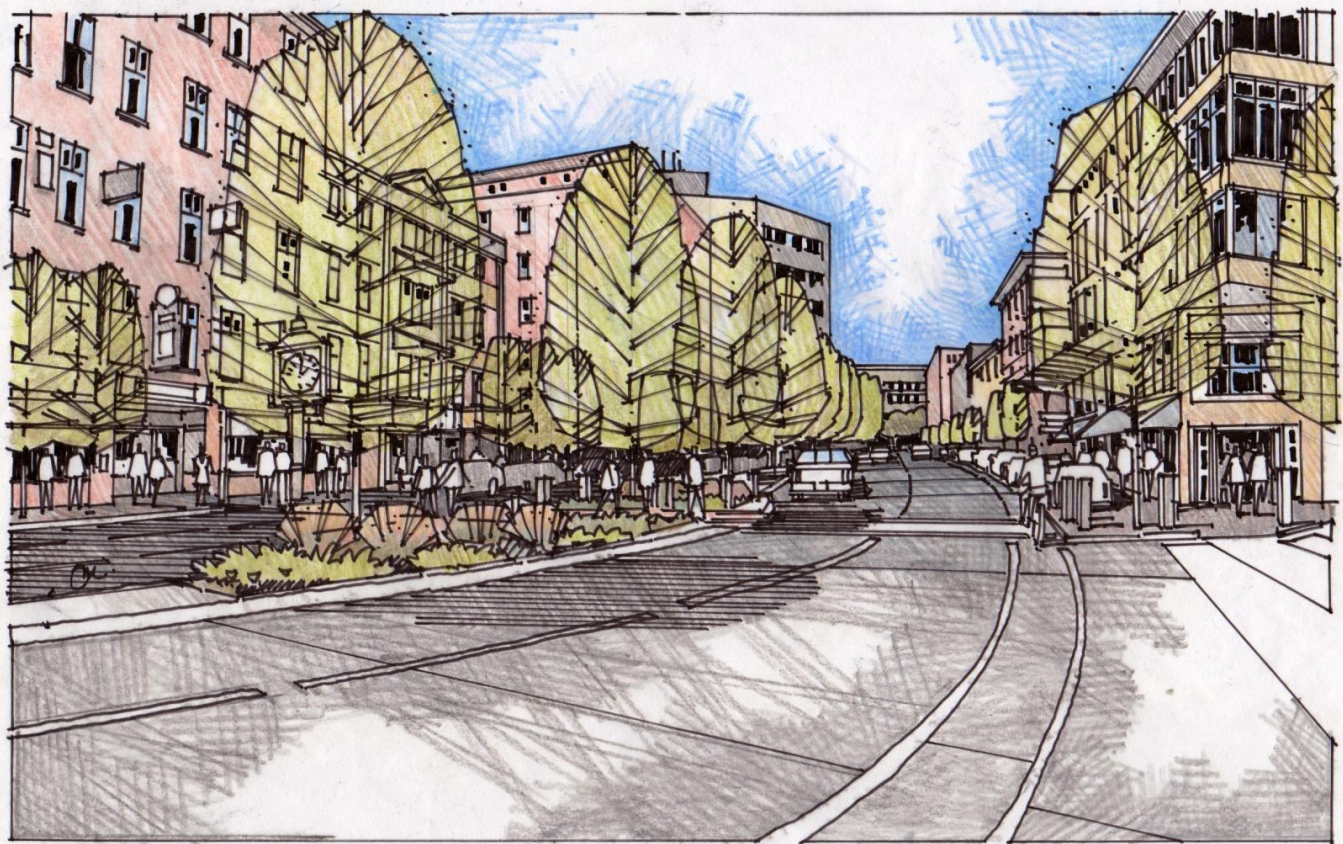
Building Width:	12 ft Min, 230 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	6 Story Max	(F)
	(excluding attic story)	



<b>BUILDING FRONTAGE TYPES:.....</b>	Stoop, Storefront and Gallery
<b>BUILDING ENTRIES:.....</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	<u>Residential:</u> Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage. <u>Storefront:</u> Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	<u>Residential:</u> Ground story must be a minimum of 2 feet or 6 feet maximum above the average front yard elevation. <u>Storefront:</u> Ground story must be a minimum of at the average sidewalk elevation or a maximum of 2 feet above the front yard elevation.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited.



Front Yard Fence: (Residential)	A front yard fence a minimum of 3 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.



**Illustrative View of T-6 (Turner Street)**

**Intent and Purpose:**

**Great Fall Metropolitan (T-6)**

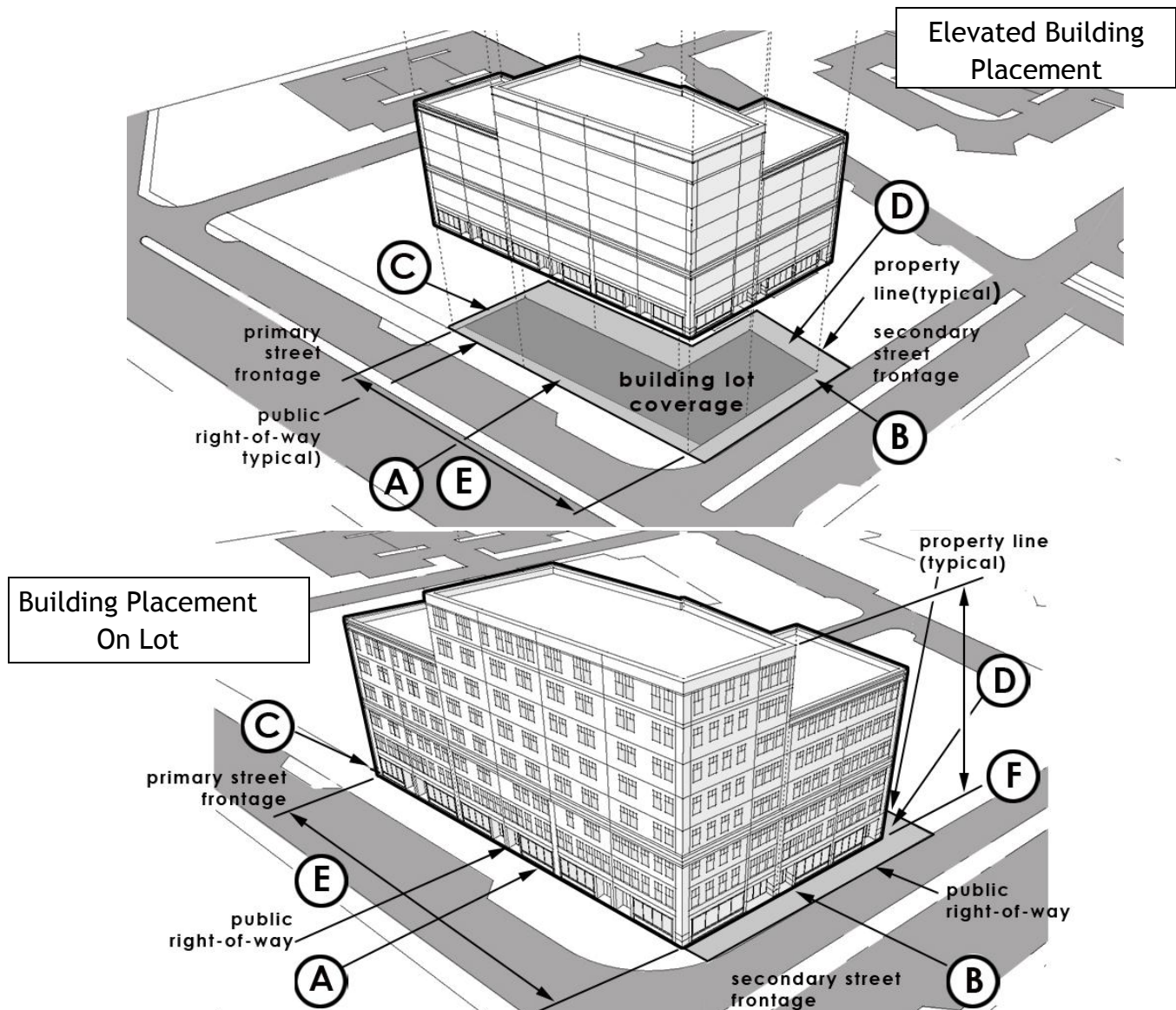
The Great Falls Metropolitan zone is characterized by large buildings up to 8 stories tall that will define the City of Auburn's emerging downtown. A new central square, "Great Falls Square" will provide a downtown focal point and center for professional enterprise and commerce. The Great Falls Metropolitan urban form will generate strong regional socio-economic gravitational pull, attract corporate investment and become a regional destination for visitors, events, entertainment, shopping and social gatherings.



**Key Features**

- High energy downtown center
- Balconies
- Articulated storefront entrances
- Awnings for storefronts
- Wide sidewalks
- Street trees
- Streetscape elements (benches, planters)
- Transportation hub
- High density

**Examples of Great Falls Metropolitan T-6**



**PRINCIPAL BUILDING PLACEMENT:**

**Front Setback, Principal:**

0 ft Min, 10 ft Max (A)

**(Corner Lot) Front Setback, Secondary:**

0 ft Min, 10 ft Max (B)

**Side Setback:**

0\*-5 ft Min (C)

\*Subject to Building Permit Approval

**Rear Setback:**

10 ft Min (D)

**Building Lot Coverage:**

90% Max

**Useable Open Space:**

5% Min

**Frontage Build-Out:**

90% Min (along Front Setback, Primary)

**Lot Width:**

24 ft Min, 240 ft Max

**PRINCIPAL BUILDING CONFIGURATION:**

**Building Width:**

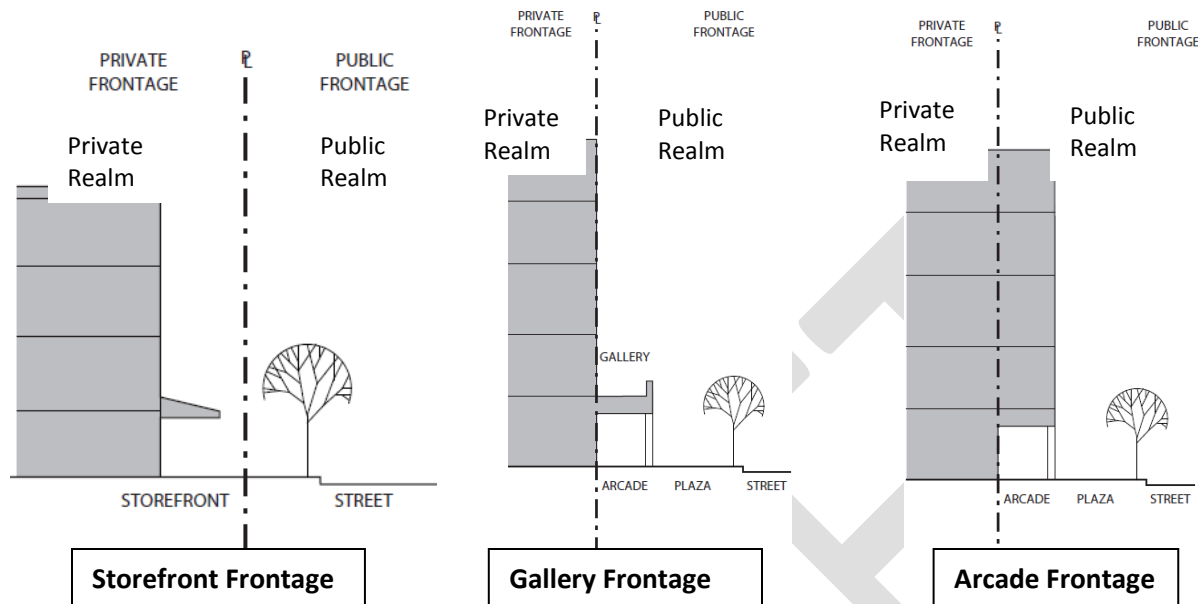
14 ft Min, 230 ft Max (E)

**Building Height Minimum:**

4 Story Min (F)

**Building Height Maximum:**

8 Story Max (F)  
(excluding attic story)



<b>BUILDING FRONTAGE TYPES:</b> .....	Storefront, Gallery and Arcade
<b>BUILDING ENTRIES:</b> .....	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Façade:	Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Façade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation	Must be a minimum of the average sidewalk elevation and maximum of 2 feet.
Front Façade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited. Architectural jogs of up to 18 inches in depth are permitted.

Street Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 18 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.
Parking:	<p><u>Residential</u>-Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk.</p> <p><u>Commercial</u>- Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.</p>
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.



# Sec. 60-554 FORM BASED CODE USE and PARKING MATRIX

\* \* \*

USE (1)	T-4.1	T-4.2	T 5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
<b>Residential Type Use</b>						
Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	1/2 sp /employee plus 1 sp /room
Elderly/Child Care Facility	S	S	S	S	P	1/2 sp /employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type <a href="#">(Sec. 60-673-10)</a>
<a href="#">Community Based Residential Facilities</a>	P	P	P	P	P	<a href="#">1 sp/employee plus 1 sp/client</a>
<a href="#">Boarding House/Lodginghouse</a>	P	P	P	S	X	<a href="#">1 sp/guestroom plus 1 sp/employee</a>
<b>Office/Service Type Use</b>						
<a href="#">Financial/Professional Offices</a>	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp./400 sf
Personal Services	S		P	P	P	1 sp./400 sf
<b>Retail Type Use</b>						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400 sf
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	P	P	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
<b>Civic</b>						
<a href="#">Church or</a> Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf

## Notes:

- Uses not listed are considered prohibited unless deemed similar by the Director of Planning or by the Planning Board through a special exception approval.
- \* Parking requirements in T-5.1, T- 5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to Planning Board approval.
- Where more than 50% of floor space is devoted to Age Restricted Goods

**S** = Special Exception

**P** = Permitted

**X**-Prohibited

**sp** = parking space

**sf** = square foot of gross floor space

**DU** = Dwelling Unit

## Sec. 60-555-558 FORM BASED CODE ADMINISTRATION

### Sec. 60-555. Form Based Code Administration-

#### A. Form Based Code Relation to Zoning Ordinance

1. The Form Based Code shall regulate areas designated as Form Based Code Districts.
2. All buildings and land uses located within a Form Based Code District shall comply with Sec. 60-33 (General Provisions unless specifically stated otherwise in Sec. 60-546 to 60-558 of the Form Based Code.
3. Site Plan/Special Exception- Any project located within a Form Based Code District that requires special exception or site plan review shall comply with Sec. 60-45.

### Sec. 60-556. Form Based Code Plan Types-

#### A. Administrative Types-

1. By Right- No Permits are required for projects such as normal maintenance or for new structures under 200 sq. ft.
2. Minor Administrative- Projects that require permits and comply with all Form Based Code or Zoning regulations, may be approved and permitted by the appropriate City Departmental Staff and will not require multiple departmental or Planning Board approval. These projects can be applied for at any time.
3. Major Administrative- Projects that do not qualify as a Subdivision, Special Exception or Site Plan Review type plans and comply with all Form Based Code or Zoning regulations, but due to multiple issues, will require review by the multiple City Departmental Staff.

#### B. Discretionary Type Plans- The following plan types shall require review and action by the Planning Board.

1. Subdivisions of 3 or more lots over a 5 year period or a project creating more than 3 dwelling units. (Subdivision Review)
2. Any project listed as Special Exception or "S" in Section 60-554, Use and Parking Matrix Chart. (Special Exception and Site Plan Review)
3. Any project within the Form Based Code District proposing a total of 12,000 square feet of new construction, all floors included. (Special Exception and Site Plan Review)
4. Any amendment to an existing discretionary plan that increases existing square footage more than 25%
5. Any project located within the Form Based Code District area that seeks a waiver from the adopted Form Based Code Regulating development standards shall submit



## Sec. 60-555-558 FORM BASED CODE ADMINISTRATION

a complete Special Exception and Site Plan Review application for Planning Board review and action.

### Sec. 60-557 – Applicability-

1. Any Minor, Major Administrative Type Plan and/or Discretionary Plan, as defined in Section 60-556, located within a Form Based Code district, shall be required to submit a Development Review Application prior to any issuance of building permits or development activity.
2. Any development activity on or within property located with the Form Based Code District shall be reviewed for compliance with applicable Form Based Code or Zoning Ordinance regulations.

### Sec. 60-558 – Form Based Code Development Application Procedure

#### A. Administrative Type Plan Application Process-

1. Applicant identifies the subject property's zoning/transect district and determines what plan type the project is.
2. Applicant reviews the project's compliance for Form Based Code Development Standards Chapters 60-548 through 551; including all sections on Purpose, Building Placement & Configuration, Building Frontages, External Elements, Lot Layout, the Parking & Use Matrix Chart and Administration; along with any other applicable Zoning Ordinance Regulations.
3. Pre-Development Consultation- All Administrative Type Plan applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the property's Form Based Code or Zoning District and discuss the Form Based Code requirements and related Zoning and/or other regulatory items. Failure to consult with the Planning Office may result in the delay of acceptance, review and approval of the application.
4. Any Minor or Major Administrative Plan or Discretionary Plan applicant in a Form Based Code district shall complete and submit a cover letter describing the project, a Development Review Application, a Form Based Code Development Checklist and the appropriate application fee and number of applications to the Planning Office.
5. All Form Based Code applications will be reviewed by the Planning Staff for completeness and applicant will be notified within 5 working days if the plan is deemed complete and whether the plan is Administrative or Discretionary. The

## Sec. 60-555-557 FORM BASED CODE ADMINISTRATION

applicant is responsible for working with the Planning Staff to correct any deficiencies needed to be accepted for further review.

6. Type 2 and 3 Administrative Plans will be reviewed by the appropriate City Departmental Staff or other relevant agencies who will recommend approving, disapproving or postponing to allow for time to correct the application. The Director of Planning will notify the applicant of the decision in writing within 15 calendar days of its receipt of a completed application.
7. The Director of Planning shall have the authority to require an Administrative Plan to be considered by the Planning Board and notify the applicant the justifications for doing so.

### B. Discretionary Project Application Process-

1. Applicant Identifies Subject Property's Zoning/Transect and determines what plan type the project is.
2. Applicant reviews the project's compliance for the applicable Form Based Code Development Standards Chapters 60-548 through 551; including all sections on Purpose, Building Placement & Configuration, Building Frontages, External Elements, Lot Layout, the Parking & Use Matrix Chart and Administration; along with any other applicable Zoning Ordinance Regulations.
3. Pre-Development Consultation- All potential development and project applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the Form Based Code or Zoning regulations and discuss the form based code requirements and related zoning and/or other regulatory items. Failure to consult with the Planning Office may result in the delay of acceptance, review and approval of the application.
4. Discretionary Plan applicants will submit; a Development Review Application, a Form Based Code Development Checklist the appropriate application fee and number of applications to the Planning Office for review and consideration by the Planning Board according to their normal submission deadline and meeting schedule.
5. Applications not meeting all the requirements of the Form Based Code may include waiver as per Sec. 60-1312 or variance requests as part of their application.

### C. Waiver Requests-

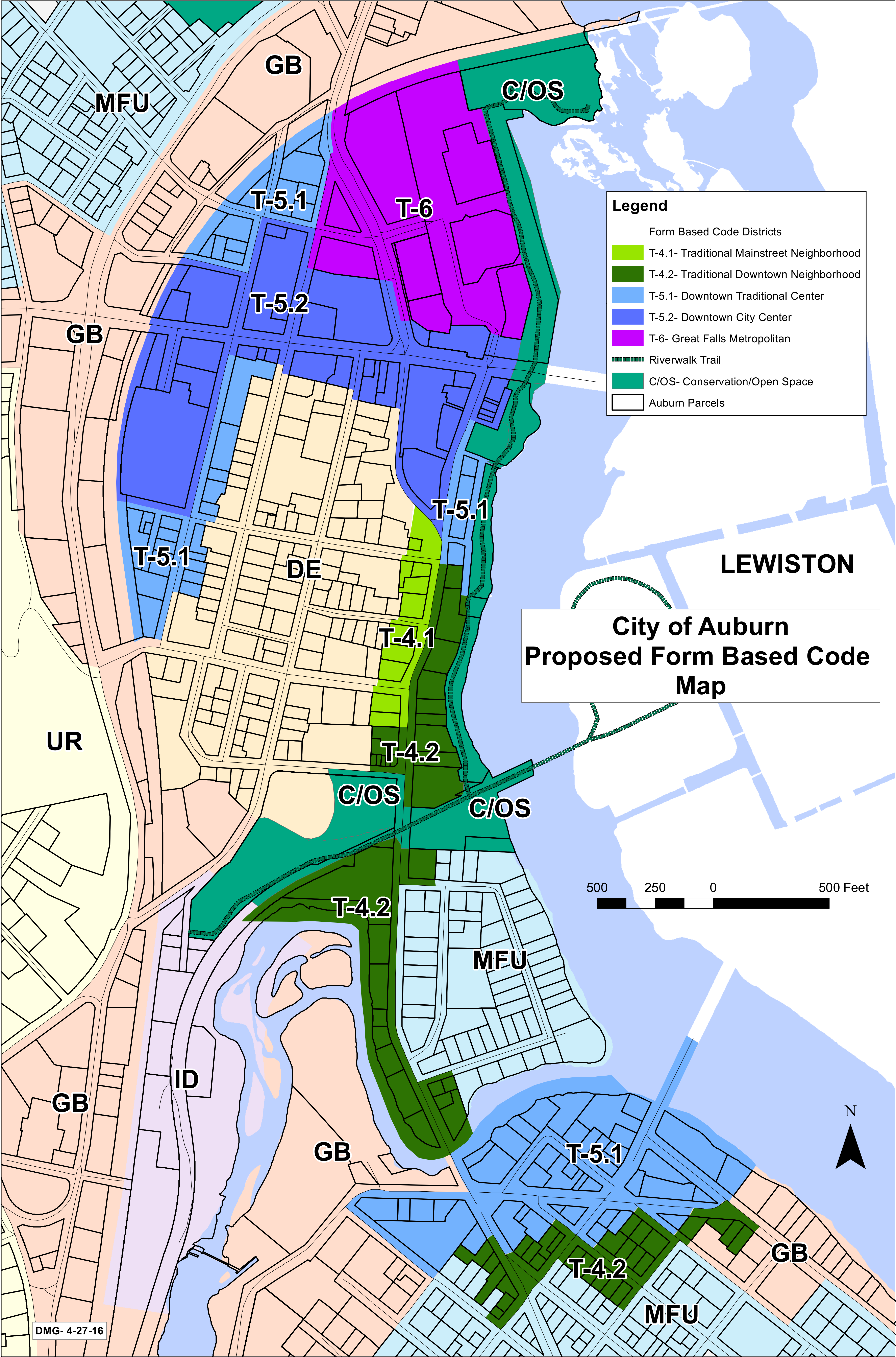
1. Any waiver request of Form Based Code standards and requirements must identify what is regulation is being requested for the waiver and include a narrative

explaining how the waiver, if approved, will allow the project to meet the purpose of the Form Based Code and the objective of Sec 60-1277, Site Plan Law.

D. Planning Board Approval-

1. The Planning Board shall approve, approve with conditions, disapprove or postpone based on its review of the application meeting all existing requirements, conditions, criteria and provisions of Special Exception, Site Plan Review, Subdivision Law and any other relevant procedural requirement of Chapter 60, Zoning, as part of its consideration of a Form Based Code application.
2. The Planning Board shall provide findings for approval or disapproval based on the application's meeting the purpose of the Form Based Code.









## City of Auburn, Maine

Office of Planning & Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

April 15, 2016

Dear Property Owner,

Certain areas in Downtown Auburn and New Auburn are being considered for re-zoning to a new system of development regulation called Form Based Code. If adopted by the City Council, the Form Based Code will replace the traditional zoning currently in place in these areas. On May 2, 2016, the Auburn City Council will hold a public hearing at City Hall at 7 pm to present the Form Based Code and to hear public input. This notification letter for the public hearing is being sent to affected property owners and abutters within 500 feet.

Over the last 2 years, the City of Auburn's Planning Board has been developing the Form Based Code based on recommendations from the 2010 Comprehensive Plan. The Comprehensive Plan recommends that development regulations in the Great Falls Area, the Downtown Traditional Business area and the New Auburn Village Center area should "encourage new development or modifications to existing buildings to occur in a manner that reflects key elements of the traditional downtown development pattern."<sup>1</sup> Form Based Code was chosen as the best way to achieve this goal. Form Based Codes are being used across the country to help communities bring back traditional style development by providing a focus on building placement, safe walkable streets, greater flexibility of land uses and a more simplified development review process.

Auburn's initial Form Based Code Districts will include 5 types:

1. T-4.1- Traditional Main Street Neighborhood
2. T-4.2- Traditional Downtown Neighborhood
3. T-5.1- Downtown Traditional Center
4. T-5.2- Downtown City Center
5. T-6- Great Falls Metropolitan

An interactive map is available at <http://www.auburnmaine.gov/pages/government/form-based-code-info> that will help you see where the Form Based Code District is being proposed.

### **How will this zone impact affected properties?**

These Form Based Code Districts are designed to reflect, protect and promote the existing traditional development patterns that evolved over many years. Here are some basic facts on what the Form Based Code does.

- More building area is allowed
- Smaller set-backs
- Reduced parking requirements

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<sup>1</sup> Auburn 2010 Comprehensive Plan, pg. 91.

- Greater flexibility how you can use your property
- New construction will have to follow the Form Based Code
- Additions of less than 25% to existing buildings are exempt from Form Based Code
- Most new development that follows all the Form Based Code requirements<sup>2</sup> can apply directly for a building permit

The Form Based Code is one key step in the City's goal of revitalizing the Downtown and New Auburn urban centers. Form Based Code can do this by making new development easier to permit, creating a more predictable development environment and to encouraging traditional type development that promotes safe, attractive and active streets for people.

We encourage you to look at a special webpage on the City's Web Site at: <http://www.auburnmaine.gov/pages/government/form-based-code-info> which, can help you:

- Find out what properties are proposed to be included in the Form Based Code District
- Review the specific Form Based Code regulations
- Review the complete draft of the Form Based Code
- Better understand why the city is making this change
- Review other Form Based Code information and related links

A hard copy of the Form Based Code is also available for review at the Auburn City Hall Planning Office located on the 1<sup>st</sup> floor for those without internet. You can also call the Planning Office at (207) 333-6601 or contact Doug Greene, City Planner by calling (207) 333-6601 ext. 1156 or email him at [dgreene@auburnmaine.gov](mailto:dgreene@auburnmaine.gov) for more information.

Sincerely,



Douglas M. Greene, AICP, RLA  
City Planner

C: Mayor Jonathan Labonte  
Members of the City Council  
City Manager Howard Kroll

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<sup>2</sup> Except projects over 12,000 s.f. or listed as a Special Exception in Use and Parking Matrix

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 04-03072016

Be it ordained by the Auburn City Council, that the City of Auburn Zoning Ordinance, Article IV, Division 14, be amended by replacing the Central Business District with a Form Based Code and related text amendments, and by amending the official City of Auburn Zoning map as shown on the attached draft dated February 9, 2016.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE **04-03212016**

Be it ordained by the Auburn City Council, that the Auburn Zoning Ordinance, Article V, Parking, Section 60-607, General Provisions and Design Standards be amended as shown on the attached draft dated March 17, 2016.

Passage of first reading on 3/21/2016 5-2 (Councilors Walker and Titus opposed).  
Passage of second reading on 4/4/2016 6-0 (Councilor Titus absent).





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:

- (1) There shall be provided, at the time of erection of any main building or structure or development of a site in its permitted use, the minimum number of off-street parking and loading spaces specified in the following subsections, within or without a structure. In calculating the spaces, any fractions shall be rounded to the nearest whole number.
- (2) Each individual parking space shall consist of an effective area of nine feet by 18 feet in dimension and shall be accessible to a public way, except for residential uses in Multifamily Urban Districts (MFU) containing five or more dwelling units. Such uses may develop tandem parking spaces but shall be limited to not more than two vehicles in depth.
- (3) Loading spaces shall have the following dimensions:
  - a. Buildings having a gross floor area of 10,000 square feet or less: 25-foot length, 20-foot width;
  - b. Buildings having a gross floor area of greater than 10,000 square feet: 50-foot length, ten-foot width. Each loading space shall have a vertical clearance of at least 14 feet. Required loading spaces shall not be counted as meeting part of the parking space requirements.
- (4) Interior driveways and ingress and egress points serving parking areas shall be at least 20 feet in width to allow safe and expeditious movement of vehicles. Ingress and egress points shall be separated wherever possible and so signed. Ingress and egress points for one-way vehicular movement only, may be reduced to not less than 14 feet for angle parking areas or 12 feet for perpendicular parking areas.
- (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.
- (6) No required parking area or driveways servicing same shall be used for the sale, repair, dismantling or servicing of any vehicle, equipment, material, supplies or merchandise.
- (7) ~~In On~~ any residential ~~district property or in any residential district~~, outdoor off-street parking may include the parking or storage of not more than one ~~inoperable-unregistered or uninspected~~ motor vehicle per lot. If ~~also-unlicensed a vehicle is both unregistered and uninspected~~, the vehicle must be stored within a building.
- (8) In any residential district, off-street parking may include not more than one commercial vehicle per lot.
- (9) In any residential district, no portion of the front yard space, other than the driveway, shall be utilized for off-street parking.
- (10) 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 screened 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.
- (11) Exterior lighting provided in any parking or loading area shall be arranged and shielded so that it is deflected away from adjacent properties used for residential purposes and from any public highway.
- (12) All uses containing over five parking and/or loading spaces shall either contain such spaces within structures or be subject to the following requirements:

- a. All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material that is impermeable to water and so as to be dust free and properly drained. Materials which satisfy this criteria include but are not limited to: bituminous pavement, concrete, geotextiles and brick or cobblestone or other paving block provided that it is mortared.
  - b. Parking and loading spaces shall be suitably marked by painted lines or other appropriate markings.
  - c. A substantial bumper of concrete, masonry, steel or heavy timber or a curb of similar material or an earthen berm shall be placed at the head of each parking or loading stall that abuts a structure, rear or side setback or property line, sidewalk, street right-of-way, or landscaped area to prevent vehicles from rolling into such areas.
  - d. Where, in nonresidential districts, parking is planned to occupy a portion of the required front yard area, parking shall not be placed nearer than ten feet from the street right-of-way line. The area between the parking area and the street right-of-way line shall be landscaped.
- (13) Parking and loading spaces shall be so arranged as not to require backing of vehicles onto any public street. No loading platforms or receiving doors shall be located on the street side of any retail store or other commercial building unless such platforms or receiving doors be located not less than 60 feet from the sideline of any street right-of-way lines.
- (14) No portion of any entrance or exit driveway serving a residential use or building shall be closer than 50 feet from the nearest public street intersection unless prevented by dimensional or physical difficulties. No portion of any entrance or exit driveway serving a commercial or industrial use of building shall be closer than 100 feet from the nearest public street intersection unless prevented by dimensional or physical difficulties.
- (15) On lots where one entrance and exit driveway or curb-cut is constructed, the curb-cut shall not exceed 32 feet in width. Where two or more driveways or curb-cuts are constructed, the curb cuts shall not exceed 20 feet in width. For automotive service stations, the curb cut widths may be increased to 32 feet for each driveway or access, but shall not exceed two driveways. These widths may be increased up to a maximum of 44 feet on arterial roads if required by the city engineering department or the state department of transportation.
- (16) A parking lot cluster containing more than 80 stalls shall contain landscaped areas within the perimeter of the overall lot, in the form of landscaped perimeter and islands.
- (17) For those developments subject to site plan review (division 2 of article XVI of this chapter) the relaxation of the requirements of this section shall be reviewed by the planning board.
- (18) Required off-street parking in the Auburn Downtown Action Plan for Tomorrow area 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 1,000 feet of the principal building or use as measured along lines of public access.
- (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)

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 05-07112016

BE IT ORDAINED, that the City Council hereby adopts the Public Woodlot Management Ordinance under Chapter 56, Article II, Sec. 56-22 as attached.

Public hearing and passage of first reading on 7/18/2016 7-0.  
Passage of second reading on 8/1/2016 7-0.

**City of Auburn**  
**Public Woodlot Management Ordinance**  
**Conservation Commission draft 1.28.16**

**Section 1 – Preamble.**

The City of Auburn hereby adopts the following public wood lot management ordinance in order to regulate the forest management on public lands within the city, including properties used by various individual departments.

**Section 2 – Authority.**

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

**Section 3 – Definitions.**

- 3.1 **Best Management Practices (BMPs)** - voluntary outcome-based guidelines established by Maine Forest Service to maintain water quality and minimize sedimentation of water courses
- 3.2 **Community Forest**- The sum of 1. Street trees within or upon the limits of any city road, public right of way or any highway within the meaning of 30-A.M.R.S.A. §3281; 2. Public trees included as part of landscaping at public buildings or parks; 3. Public woodlots i.e. parcels which include forested acres which provide or have potential to provide wildlife habitat, forest products, recreation, educational opportunities and other amenities.
- 3.3 **Designated Representative**- individual identified as responsible for overseeing forest management activities related to a timber harvesting operation. Principal contact with the forester supervising the harvest operation.
- 3.4 **Forest Management Plan**- A site specific document written by a professional forester with input from the landowner which establishes direction and goals for the management of a forest land area. The plan will specify all silvicultural practices and activities that support the landowner objectives and minimizes adverse environmental impact. Forest management plans normally include a description of the land and forest, inventory information, and management prescriptions. Forest management plans are typically updated every ten years.
- 3.5 **Harvest Plan**- A document prepared by a professional forester describing activities involved in a timber harvest, including but not limited to: maps of access routes, cut locations, principle trails to be used to remove harvested material, water crossings, log landings; cutting prescriptions and controls; buffer zones; BMPs to be used; and special considerations sufficient to support the objectives of the Forest Management Plan, and provide direction to the qualified logging professional conducting the operation under supervision of the forester.
- 3.6 **Professional Forester**- An individual qualified and licensed to practice forestry in the State of Maine. (Forest management in Maine is limited to licensed professional foresters.)
- 3.7 **Public Trees**-All trees located upon any public property owned by the city, including public property currently used by any individual departments.
- 3.8 **Public Woodlot** – The portion of the community forest not including street trees within or upon the limits of any city road, public right of way, or any highway within the meaning of 30-A M.R.S.A. §3281 and public trees included as part of landscaping at public buildings or parks. Public woodlots are parcels which include forested acres which provide or have potential to provide wildlife habitat, forest products, recreation, educational opportunities and other amenities.
- 3.9 **Qualified Logging Professional**- a logger trained according to Sustainable Forestry Initiative (SFI) Standard by an organization recognized by Maine’s Sustainable Forestry Initiative Implementation Committee, including Maine Certified Logging Professional (CLP).

- 3.10 **Stakeholder**- stakeholders include a range of persons, including city council, school committee, staff of individual city departments, adjacent landowners (abutters), and community members.
- 3.11 Any term or word of this ordinance which is not defined in this section shall have a meaning consistent with Title 30-A, M.R.S.A., to the extent that such term is defined in that Title; any terms that are not defined in that Title shall have a meaning consistent with common usage.

#### **Section 4 – Development of a Forest Management Plan.**

The city council or its' designated administrative board or staff member shall ensure that a forest management plan is written for any public woodlot(s) that are intended to be managed. The forest management plan shall be written by a professional forester with documented input from the individual department responsible for the management of the public woodlot and other stakeholders, in order to define management objectives to be addressed in the plan. The management plan should address multiple uses, including but not limited to biodiversity, control of invasive species, education activities, forest inventory, recreation, special places, timber harvesting, water quality, wildlife habitat, and any other appropriate considerations. The management plan should be updated every ten years and conform to the current stewardship guidelines as defined by the Maine Forest Service.

#### **Section 5- Conducting a Harvest**

- A). The city council or its' designated administrative board(s) shall approve any timber harvesting.
- B). The harvest will be supervised by a professional forester who shall provide regular written progress reports to the designated representative member of the individual department responsible for the public woodlot. The designated representative shall be empowered to suspend the operation if objectives are not being met.
- C). The harvest shall be conducted by qualified logging professionals.
- D). The harvest will be conducted according to a harvest plan, written by a professional forester and approved by the designated representative, that supports the objectives of the forest management plan and provides direction to the qualified logging professional conducting the operation. The harvest plan will include BMPs to safeguard water quality.
- E). Stakeholders, at minimum abutters, elected city officials, appropriate administrative board members and appropriate staff shall be notified 30 days prior to commencement of a harvest.
- F). Within 90 days of completion of a harvest, a review will be conducted including the forester, designated representative and appropriate stakeholders, in order to evaluate the operation's outcomes. A written review shall be prepared for the city council or its' designated administrative board.

## **Section 6 – Harvest revenues.**

Net Revenues generated from any timber harvests shall be deposited in a Timber Harvest Special Revenue Account. The proceeds in this account shall be distributed by the City Council during the annual budget process.

~~Net Revenues generated from any timber harvests shall allocated as follows:~~

- ~~—— 20% to an account to be used to improve the community forest~~
- ~~—— 20% to the Community Cords account~~
- ~~30% to an account for the support of the department managing the harvested woodlot i.e. Conservation Commission, Parks Department, School Department, etc.~~
- ~~30% to General Revenue~~

~~Exception. When deemed necessary by the city council, this provision may be waived by a super-majority vote of the city council with five affirmative council votes, on a project basis.~~

## **Section 7 – Prohibition.**

No person shall prune, plant, cut down, remove, or alter a public tree. See Section 7 below.

## **Section 8 - Guidelines for cutting or altering of public shade trees.**

After a public hearing, the city council or its' designated administrative board shall have the authority to adopt, amend, or modify this ordinance. Thereafter, the city council or it's designated administrative board shall use those guidelines in making decisions pursuant to this ordinance.

## **Section 9 – Violations and penalties.**

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

## **Section10 - Severability.**

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





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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 06-08152016

BE IT ORDAINED, that the City Council hereby amends the Auburn Zoning Map from Suburban Residential District to General Business District for the following properties; 16 Malibu Drive (PID # 301-006), 32 Malibu Drive (PID # 301-007), 40 Malibu Drive (PID # 301-012) and 40 Niskayuna Street (PID # 301-004) and as shown on the attached map, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

Passage of first reading on 8/15/2016 4-2 (Councilors Burns and Titus opposed, Councilor Pross absent).  
Passage of second reading 5-2 (Councilors Burns and Titus opposed).

James Pross, Ward One  
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Ernestine Gilbert, Ward Four



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Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 07-09122016

BE IT ORDAINED, that the City Council hereby adopts an amendment to rezone an .81 acre area located on Harvest Hill Lane in the Colonial Ridge PUD, consisting of the southwest portion of lots 8 and 9 and an adjacent open space area from Industrial District to Suburban Residential District pursuant to Section 60-1445, Amendments to the Zoning Map, and as shown on the attached map.

**Passage of first reading on 9/12/2016 7-0.  
Passage of second reading on 9/19/2016 7-0.**

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 08-10032016

ORDERED, that the City Council hereby amends the General Assistance Ordinance to incorporate the following maximum levels of assistance to be effective on and after October 1, 2016 through September 30, 2017 as follows:

### Appendix A – GA Overall Maximums

Effective: 10/01/16-09/30/17

Persons in Household					
COUNTY	1	2	3	4	5*
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	575	678	855	1,086	1,241

### Appendix C

Effective: 10/01/16-09/30/17

### Rental

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	96	411	119	512
1	112	484	141	608
2	144	618	180	772
3	187	803	230	991
4	210	901	263	1,130

Passage of first reading on 10/3/2016 7-0.  
Passage of second reading on 10/17/2016 7-0.

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



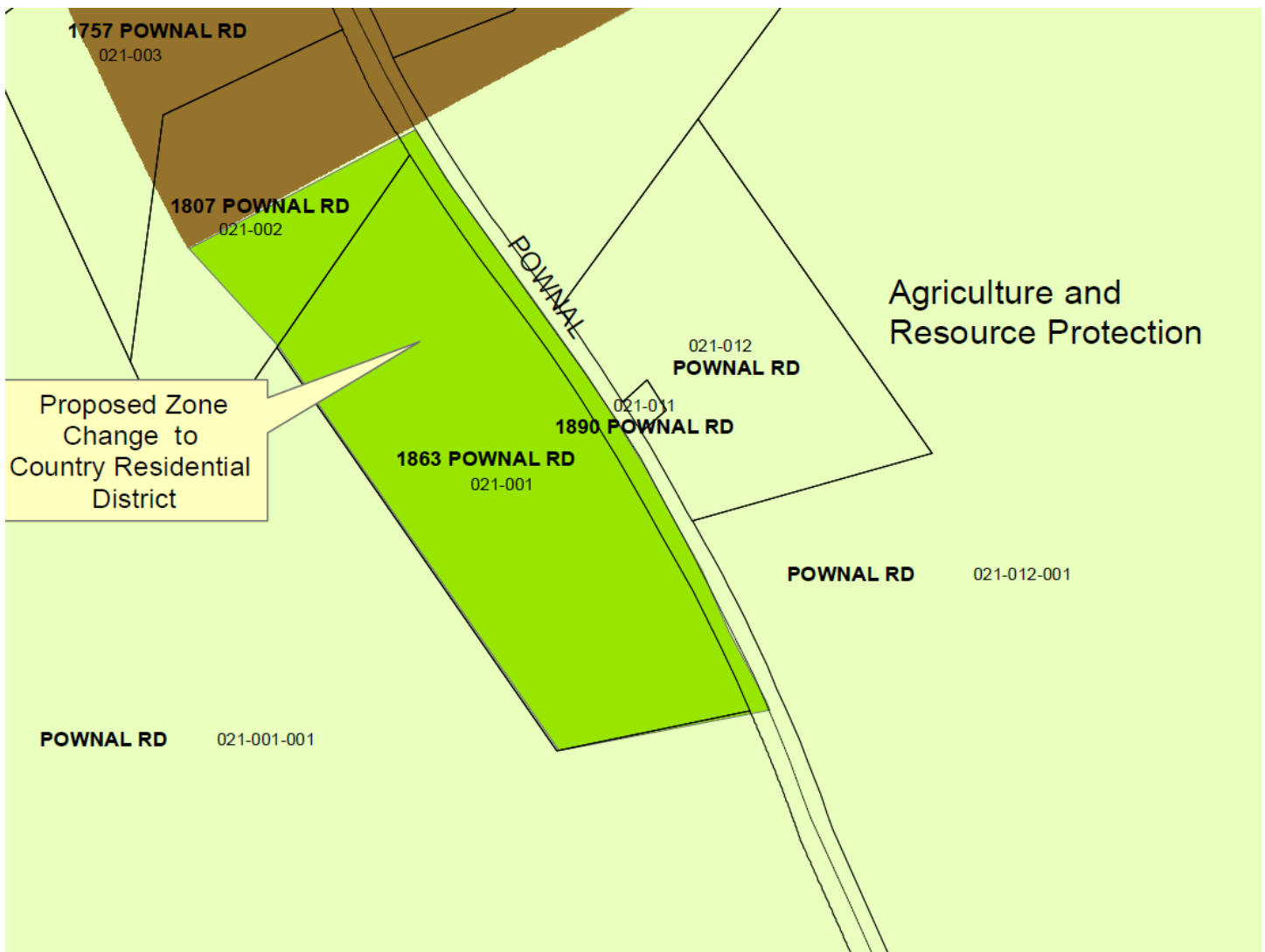
Leroy Walker, Ward Five  
Grady R. Burns, At Large  
David C. Young, At Large

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 09-10172016

Be it ordained by the Auburn City Council, that the zoning map be amended in the area of 1863 Pownal Road to extend the Residential Zoning district to include the portion of 1807 within 450' of the centerline of Pownal Road and the entire parcel at 1863 Pownal Road as shown on the below map. The extension shall be Low Density Country Residential District.



Failed first reading on 12/19/2016 1-5-1 (Councilors Young, Stone, Titus, Gilbert, and Burns opposed, Councilor Pross absent)  
Failed second reading on 1/9/2017 2-3-1 (Councilors Young, Stone, and Titus opposed, Councilor Burns absent).

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Ernestine Gilbert, Ward Four



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Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 10-10172016

Be it ordained by the Auburn City Council, that Chapter 60, Article XVI, Division 2, Subdivision 1, Sec. 60-1301(14) be amended to update references to State Stormwater Standards, as shown below, to allow the City to maintain Delegated Review Authority.

- (14) Site developments requiring stormwater permits pursuant to 38 M.R.S.A. § 420-D shall include the required plan and to the extent permitted under 38 M.R.S.A. § 489-A, be reviewed under the procedures of article XVI of this chapter; and they shall meet and comply with 38 M.R.S.A. § 484(4-A) and those Rules promulgated by the Maine Department of Environmental Protection pursuant to the Site Law and section 420-D, specifically Rules 500, 501 and 502, as last amended ~~December 21, 2006~~ August 12, 2015. ~~Adopted September 22, 2005, said Rules taking effect November 16, 2005, as enacted by Legislative Resolve, chapter 87, Public Laws of 2005 (LD 625/HP 458), amended March 20, 2006.~~ If a project proposes infiltration and the standards in Rule 500, appendix D are not met, then a waste discharge license may be required from the Maine Department of Environmental Protection. An infiltration system serving a development regulated under the Site Location of Development Act may be required to meet standards in addition to those in appendix D.

Public hearing and passage of first reading on 10/17/2016 7-0.  
Passage of second reading on 11/7/2016 6-0 (Councilor Burns absent).

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Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 11-11072016

Be it ordained by the Auburn City Council, that Chapter 60, Zoning be amended as follows:

#### Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication ~~the main processes of which involve the assembly of prefabricated parts and~~ which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Article IV, DIVISION 12. - GENERAL BUSINESS DISTRICT, Sec. 60-499. - Use regulation, (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:

(11) Light industrial plants ~~whose main processes involve assembly of prefabricated parts and~~ which will not create a nuisance by noise, vibration, smoke, odor or appearance.

Passage of first reading on 11/7/2017 6-0 (Councilor Burns absent).

Passage of second reading on 11/21/2017 6-0 (Councilor Walker absent).

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Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five  
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Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-11072016

Be it ordained by the Auburn City Council, that Chapter 60, Zoning be amended as follows:

Article IV, DIVISION 13. - GENERAL BUSINESS DISTRICT, Sec. 60-525. - Use regulation, (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:

(8) Light industrial plants which support a retail store selling goods made on the premises and will not create a nuisance by noise, vibration, smoke, odor or appearance.

Passage of first reading on 11/7/2017 6-0 (Councilor Burns absent).

Passage of second reading on 11/21/2017 6-0 (Councilor Walker absent).

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Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **RESOLVE 01-01042015**

RESOLVED, that the City Council hereby supports and approves the Auburn Fire Department to apply for a facilities improvement grant administered through the Maine Fire Service Institute for improvements, maintenance and upkeep of the existing training facility located at 550 Minot Avenue, Auburn Central Fire Station.

The anticipated amount of grant funding to be requested is approximately \$30,000.00 dollars. There is no match for approved funding of this grant and 100% of allocated funding would be reimbursed to the city upon completion of the project. Project must be completed by the end of August, 2016.

**Passage on 1/4/2016 7-0.**



James Pross, Ward One  
Robert Stone, Ward Two  
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Ernestine Gilbert, Ward Four



Jonathan P. LaBonte, Mayor

Leroy Walker, Ward Five  
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David C. Young, At Large

## IN CITY COUNCIL

### RESOLVE 02-01042015

RESOLVED, that the City Council hereby supports and approves the Auburn Fire Department to apply for a FEMA Assistance to Firefighters Grant for funding to purchase an all wheel drive all terrain vehicle with wild land firefighting capability and EMS transport module with the added condition that pending the successful awarding of the Assistance to Firefighters Grant to the Auburn Fire Department, the city will pursue and sell at an acceptable price, the ATV assigned to the Police Department to offset the 10% contribution from the city. Additionally, the grant request will include a 4 wheel drive pickup truck and trailer to serve as the prime mover.

Total requested funding for the all wheel drive all terrain vehicle, trailer and the 4 wheel drive pickup truck/prime mover is estimated at \$77,000.00. This grant requires a 10% contribution from the city in the amount of \$7,700.00.

Passage on 1/4/2016 6-1 (Councilor Titus opposed).

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Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **RESOLVE 03-03212016**

RESOLVED, that the City Council hereby support the application of the Auburn Fire Department for a FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant for four (4) Firefighter/Paramedics. The grant would provide full salary and benefits for a period of two years with no obligation to maintain the funded positions upon the conclusion of the two year funding period.

**Passage on 3/21/2016 6-1 (Councilor Titus opposed).**



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Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **RESOLVE 04-05022016**

RESOLVED, that the City Council hereby authorize the Mayor to send a letter on behalf of the City Council to FERC requesting that KEI provide at least 60 days notice to the City for recreational flow studies related to the relicensing of the Barer Mill Dam.

**Passage on 5/2/2016 6-0 (Councilor Burns absent).**

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David C. Young, At Large

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### RESOLVE 05-05162016

**RESOLVED**, that the City Council hereby directs the City Manager that Auburn city employees, while serving in their official capacity, shall not perform support activities, including research, information gathering, report preparation or interview participation in support of Joint Charter Commission through the end of FY17, unless the work is completed in response to a public records request following the standard procedure utilized by the City Manager or his designee.

Passage on 5/16/2016 4-3 (Councilors Burns, Titus, and Young opposed).

James Pross, Ward One  
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Ernestine Gilbert, Ward Four



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Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### RESOLVE 05-05162016

RESOLVED, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2016-2017, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2016 and ending June 30, 2017.

The estimated aggregate amount of non-property tax revenue is \$36,193,518 with a municipal revenue budget of \$13,098,759 and a School Department revenue budget of \$23,094,759.

The aggregate appropriation for the City of Auburn is \$79,959,946, with a municipal budget of \$37,048,867 County budget of \$2,167,711 and a School Department budget of \$40,743,368 which received School Committee approval on May 4, 2016, and school budget approved at the May 16, 2016 Council Meeting pursuant to the School Budget Validation vote on June 14, 2016, in accordance with Maine Revised Statutes, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 11, 2016, by the City Manager, and notification was posted on the City of Auburn website on May 12, 2016 that a public hearing would be held on May 16, 2016 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2016-2017 beginning July 1, 2016 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2016-2017.

### COUNCIL AMENDMENTS

On June 20, 2016, the Council passed the following amendments to the Annual Appropriation and Revenue Resolve:

**Amendment 1** - We the Council of the City of Auburn adopt and approve the following items to the City Budget:

Implement traffic calming measures to improve pedestrian safety on Mill Street in New Auburn, to be funded in the amount of \$20,000, from the Downtown TIF.

James Pross, Ward One  
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Jonathan P. LaBonte, Mayor

This amendment would fund the installation of traffic calming measures, including authorizing a raised crosswalk, to be installed on Mill Street, with a focus on the mid-block crossing from Third Street to the historic Pontbriand Building that is now home to Selco.

The amendment would also fund a pedestrian activated crossing signal to further raise driver awareness of pedestrians seeking to cross this street.

**Amendment 2** - We the Council of the City of Auburn adopt and approve the following items to the City Budget:

The restoration of \$233,559 funding for LA 911 from the General Fund.

**Amendment 3** - We the Council of the City of Auburn adopt and approve the following items to the City Budget:

The restoration of \$26,000 funding for AVCOG (Androscoggin Valley Council of Governments) due from TIF Funds.

**Amendment 4** - We the Council of the City of Auburn adopt and approve the following items to the City Budget:

The restoration of \$45,900 funding for the Auburn Public Library from the General Fund.

**Amendment 5** - We the Council of the City of Auburn adopt and approve the following items to the City Budget:

The restoration of \$60,000 funding to the Fire Department from the General Fund.

**Amendment 6** - We the Council of the City of Auburn adopt and approve the following items to the City Budget:

To include funding of \$100,000 for a full time City Solicitor position, who shall report to and work under the supervision of the City Manager, to provide "in-house" legal services to the City of Auburn to be funded by adding \$80,000 to the General Fund and take \$20,000 from Legal Services Budget .

**Amendment 7** - We the Council of the City of Auburn adopt and approve the following items pilot program with a 2017 season launch. This would include a contract for consulting and event management, and the City would provide logistical support with existing resources. The

James Pross, Ward One  
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City Council would authorize the use of Mill Street between Second and Broad Streets, including the potential closure for the days/nights of the Market. This would be funded from the Downtown TIF account.

**Amendment 8** - We the Council of the City of Auburn adopt and approve the following items to the City Budget:

To include funding of \$86,818 for a full time Special Projects/Grant Administration position within the Economic and Community Development Department, with a base salary of up to \$60,000 plus benefits, who shall report to and work under the supervision of the Economic and Community Development Director and be a non-union position, to be funded by TIF Funds.

**Amendment 9** - We the Council of the City of Auburn adopt and approve the following items to the City Budget:

To invest Recreation Special Revenue Funds into basketball court improvements "The Gully" in the amount of \$12,000, to attract additional programming opportunities and enhance the ability of the courts to support youth skills development.

### **RESOLVE WITH ALL AMENDMENTS INCORPORATED**

The estimated aggregate amount of non-property tax revenue is \$36,343,336 with a municipal revenue budget of \$13,248,577 and a School Department revenue budget of \$23,094,759.

The aggregate appropriation for the City of Auburn is \$80,530,771, with a municipal budget of \$37,619,579 County budget of \$2,167,824 and a School Department budget of \$40,743,368 which received School Committee approval on May 4, 2016, and school budget approved at the May 16, 2016 Council Meeting pursuant to the School Budget Validation vote on June 14, 2016, in accordance with Maine Revised Statutes, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 11, 2016, by the City Manager, and notification was posted on the City of Auburn website on May 12, 2016 that a public hearing would be held on May 16, 2016 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2016-2017 beginning July 1, 2016 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2016-2017.



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Jonathan P. LaBonte, Mayor

## SCHOOL BUDGET ARTICLES

1. That \$16,184,200.00 be authorized to be expended for Regular Instruction;
2. That \$8,843,629.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$1,008,066.00 be authorized to be expended for Other Instruction;
5. That \$4,185,672.00 be authorized to be expended for Student and Staff Support;
6. That \$881,721.00 be authorized to be expended for System Administration;
7. That \$1,374,018.00 be authorized to be expended for School Administration;
8. That \$1,350,104.00 be authorized to be expended for Transportation and Buses;
9. That \$5,422,263.00 be authorized to be expended for Facilities Maintenance;
10. That \$1,064,084.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$429,611.00 be authorized to be expended for All Other Expenditures;
12. That \$40,313,307.00 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$17,320,901.00 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

***Explanation:*** *The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

13. That \$1,814,747.00 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the

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city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12;

***Explanation:*** *Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That \$0.00 be raised and appropriated in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690;

***Explanation:*** *The additional local funds are those locally raised funds over and above the municipality's local contributions to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for education programs.*

15. That the school committee be authorized to expend \$40,526,757.00 for the fiscal year beginning July 1, 2016 and ending June 30, 2017 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;
16. That the City of Auburn appropriate \$391,728.00 for adult education and raise \$189,080.00 as the local share, with authorization to expend any additional incidental or miscellaneous receipts in the interest for the well-being of the adult education program;
17. That the City of Auburn raise and appropriate \$37,883.00 for the services of Community Services-Crossing Guards.
18. That in addition to amount approved in the preceding articles, the school committee be authorized to expend such other sums as may be received from federal or state grants

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or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated;

19. That the City of Auburn increase the amount of the total school budget and the amounts the school committee is authorized to expend under the previous article, to the extent of any unanticipated increase in the adjusted state contribution under the Essential Programs and Services funding model.

We the Council of the City of Auburn adopt and approve the following items to the

RESOLVED, that the following be, and hereby is the Annual Budget and Revenue Estimate for the City of Auburn Enterprise Fund – Norway Savings Bank Arena for the fiscal year 2016 – 2017, which includes the amounts budgeted herein beginning July 1, 2016 and ending June 30, 2017.

The Enterprise Fund-Norway Savings Bank Arena estimated amount of non-property tax revenue is \$1,059,750.

The Enterprise Fund-Norway Savings Bank Arena budget is \$1,199,256.

If the Enterprise Fund-Norway Savings Bank Arena has a deficit at the end of the fiscal year, this deficit will be covered by the General Fund and will be considered a loan to the Arena to be paid back in subsequent years.

RESOLVED, that the following be, and hereby is the Annual Budget and Revenue Estimate for the City of Auburn Enterprise Fund – Ingersoll Turf Facility for the fiscal year 2016 – 2017, which includes the amounts budgeted herein beginning July 1, 2016 and ending June 30, 2017.

The Enterprise Fund-Ingersoll Turf Facility estimated amount of non-property tax revenue is \$214,940.

The Enterprise Fund- Ingersoll Turf Facility budget is \$178,102.

RESOLVED, The City is authorized to accept grants and forfeitures and to expend sums that may be received from grants and forfeitures for municipal purposes during the fiscal year beginning July 1, 2016 and ending June 30, 2017, provided that such grants and forfeitures do not require the expenditure of other funds not previously appropriated.

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



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

Jonathan P. LaBonte, Mayor

RESOLVED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each tax payer on September 15, 2016 and the remaining fifty percent (50%) shall be due on March 15, 2017.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 16, 2016 and March 16, 2017 respectively shall bear interest at a rate of 7% per annum from and after such dates.

Personal property taxes shall be due and payable on or before September 15, 2016. Any personal property taxes remaining unpaid on September 16, 2016 shall bear an interest rate of 7% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.

BE IT FURTHER RESOLVED that the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Consumer Price Index Urban as of December 31, 2015, and hereby waives the provisions of Section 2-485 of the City Code of Ordinances.

Passage of first reading on 5/16/2016 6-0 (Councilor Young was not present for the vote).  
Passage of second reading on 6/20/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### RESOLVE 07-06062016

RESOLVED, that the City Council supports the application for a Economic and Infrastructure Development Investment grant by the Northern Borders Regional Commission and,

FURTHER RESOLVED, authorizes the Office of Community and Economic Development to prepare the grant application for a \$250,000, which will require a 50% match from the City and,

THEREFORE, the City Council authorizes the City Manager to sign the grant application.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk

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



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

Jonathan P. LaBonte, Mayor

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### RESOLVE 08-07182016

WHEREAS The City of Auburn has committed to paying \$4.1 million in bond proceeds toward the Auburn Enterprise Center (\$1.7 million paid thus far with \$2.4 million in future bond payments) since 2006; and

WHEREAS the Auburn Business Development Corporation (ABDC) has committed funds toward the purchase of the property and other costs associated with this project through loans obtained from the Lewiston Auburn Economic Growth Council and others; and

WHEREAS the City agreed to be a partner in permitting and the lead agency in the preparation, management and oversight of an Economic Development Administration (EDA) grant that contains strict language in deliverables; and

WHEREAS EDA staff have confirmed that an income utilization plan must be agreed to by both the City of Auburn and ABDC before any financial proceeds generated at the Auburn Enterprise Center can be expended; and

WHEREAS All expenditures within the Income Utilization Plan must be to the benefit of the Auburn Enterprise Center directly, including maintenance of roads and public infrastructure and retirement of debt obtained through private financial institutions such as the bond issuance by the City and not for general activities or general administration of the City or ABDC; and

NOW, THEREFORE, BE IT RESOLVED, that the execution of any Income Utilization Plan shall only be accomplished with authorization of the City Council through vote at a regularly scheduled meeting.

BE IT FURTHER RESOLVED, that the City Council expresses its preference, as Auburn is the applicant and administrator of the grant and accountable to restrictions from EDA, that all proceeds generated by the Auburn Enterprise Center be deposited into a Special Revenue Account of the City, as authorized here, until an Income Utilization Plan is adopted by both the City Council and the Board of ABDC.

Passage on 7/18/2016 7-0.

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### RESOLVE 09-10032016

WHEREAS, the Auburn City Council recognizes the many roles good food plays in the lives of our family and community, the importance of agriculture in providing good local food, and in recognition that World Food Day will be on Sunday, October 16<sup>th</sup>.

RESOLVED, that The Auburn City Council hereby supports the Lewiston-Auburn Community Food Charter.

Passage on 10/3/2016 7-0.



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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### RESOLVE 10-10032016

RESOLVED, that the City Council hereby supports initiating the public process to consider an amendment to Chapter 60, Zoning Definitions, General Business and General Business II Zoning Districts to modify the light industrial use group and the locations that allow the use.

**Passage on 10/3/2016 7-0.**