



**City Council Workshop & Meeting
Agenda
November 4, 2024
Auburn Hall, Council Chambers**

5:30 PM Workshop

- FY23 Audit Presentation – School Committee & City Council
- Discussion: Proposed Text & Map Amendment – Lake Auburn Watershed Overlay District
- Discussion: Ordinance Amendment - Manufactured housing, trailers, office trailers to allow shipping containers, Conex boxes, railroad cars and tractor trailer bodies for storage
- Senior Property Tax Relief Mailing

7:00 PM Meeting

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Walker*

- I. **Consent Items** – *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Passage of items on the Consent Calendar require majority vote.*
- II. **Minutes** – October 21, 2024 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*
- V. **Unfinished Business**
- VI. **New Business**

1. ORDINANCE 20-11042024 – Amending Chapter 12 Article IV.- Housing Code regarding property maintenance and vacant buildings. *First reading. ROLL CALL VOTE.*
2. ORDER 148-11042024 - Amendment to ORDER 106-08192024 regarding the City’s Comprehensive Plan Committee. *Passage requires majority vote.*
3. RESOLVE 7-11042024 – Supporting an “interim trail” for the Casco Bay Trail. *Passage requires majority vote.*
4. ORDER 149-11042024 – Amending ORDER 123-09162024 extending the reporting deadline for the Mayor’s Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee from November 18, 2024 to December 16, 2024. *Passage requires majority vote.*

VII. Reports

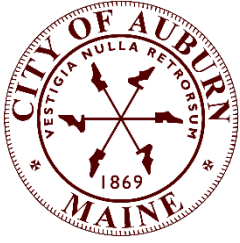
- a. **Mayor’s Report**
- b. **City Councilors’ Reports**
- c. **Student Representative Report**
- d. **City Manager Report**
- e. **2024 August Finance Report – Gina Klemanski, Deputy Finance Director**

VIII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

IX. Executive Session

Executive Session pursuant to 1 M.R.S.A. Section 405(6) (E) to consult with the City’s attorney regarding a legal matter. *No action to follow. Passage requires 3/5 majority vote to enter Executive Session.*

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2024

Author: John Blais , Deputy Director of Planning & Permitting

Subject: Discuss/Workshop amendments to Chapter 60, Article XII, Division 4, Lake Auburn Watershed Overlay District of the Auburn Code of Ordinances to more precisely identify the standards governing definitions, agriculture, pesticides, fertilizers, forestry, resource protection and erosion control in the Lake Auburn Watershed Overlay District. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Information:

In January of 2024, City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the Lake Auburn Stakeholders Group. Since that time the group(s) have met on approximately 10 occasions to address continued concerns pertaining to protecting Lake Auburn. The groups have relied on the ordinance to drive the discussion on what is best for the public water supply of Lewiston and Auburn. The proposed changes are detailed in the attached ordinance and proposed text. The proposed changes include amendments to Section 60.2 Definitions, Sec. 60-951 Use and environmental regulations and Sec. 60-952 as they relate to agricultural, forestry and erosion control. The amendments include changes that will strengthen the ordinances pertaining to Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn.

Planning Board: Provided a favorable recommendation to City Council to **amend the text** in Chapter 60, Article II General Provisions, Division 4 Lake Auburn Watershed Overlay District, Sec. 60-951, Sec.60-952 and Sec. 60-953. Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map on the October 8, 2024 Planning Board Meeting.

Planning Board Provided: to forward a favorable recommendation to City Council to **adopt the Lake Auburn Watershed Overlay District, Agricultural Buffer Setbacks Map**. This map is for establishing a 250' setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

City Budgetary Impacts: none .

Staff Recommended Action: As this is a workshop item, please provide feedback to Staff on the proposed ordinances and any questions. Staff will have an overview Power Point for workshop.

Previous Meetings and History: January 2024 CC Meeting and Planning Board favorable recommendation at the October 8, 2024 meeting.

City Manager Comments: *Phillip Crowell Jr.*
Signature:

Attachments: Proposed Ordinance Amendment and Agricultural Buffer Setbacks Map.

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-951. Boundaries and definitions.

- (a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.
- (b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

Agricultural use means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use.

Animal unit has the same meaning as in section 60-2.

Building has the same meaning as in section 60-2.

Clearcutting means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act.

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Dwelling Unit has the same meaning as in section 60-2. ~~*Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where:*~~

~~(1) The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and~~

~~(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.~~

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner, consisting of three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Livestock has the same meaning as in section 60-2.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22 of the Auburn City Ordinances. ~~Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.~~

Natural Resource Conservation Service or NRCS means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee.

Normal high-water line and Normal high-water mark means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

NWI Wetland means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory.

Organic fertilizer means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting. Organic fertilizers are broken down by and feed the microbial life in the soil.

Pest shall have the same meaning as the term set forth in 40 C.F.R. § 152.5, as the same may be amended from time to time.

Pesticide means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Pests of significant public health importance means pests listed by the U.S. Environmental Protection Agency, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.

Poultry means domesticated birds.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistency of each parent soil material.

Soil horizon, limiting or limiting soil horizon means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

| Upper fill layer | |
|------------------|---------------------|
| Sieve # | % passing by weight |
| No. 4 | 75—95 |
| No. 10 | 60—90 |
| No. 40 | 35—85 |
| No. 200 | 20—40 |
| 200 (clay size) | < 2.0 |

| Lower fill layer | |
|------------------|---------------------|
| Sieve # | % passing by weight |
| No. 10 | 85—100 |
| No. 20 | 70—100 |
| No. 60 | 15—400 |
| No. 200 | 6—8 |
| 200 (clay size) | < 2.0 |

Soil test means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent.

State licensed site evaluator means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

Stream or Brook means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

Subsurface wastewater disposal system inspector means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

Summer dormancy means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color.

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings.

Tillage or tilled means the reconfiguration of the soil into a desired condition by mechanical means.

Total nitrogen means the sum of all nitrogen forms contained within fertilizer, including water soluble nitrogen forms, slow-release nitrogen forms, and water insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers.

Wetland, see NWI Wetland.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-952. Use and environmental regulations.

1. Subsurface Wastewater Disposal Systems.

- (a) *Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), ~~60-145(b)(18)~~ and 60-146(1)c., new dwelling units are prohibited in that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. §§ 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.
- (b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration--:
- (1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filler media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design requirements are met before the local plumbing inspector finds the design or installation of the system to comply with this section.
 - (2) New (first use), expanded, or replacement disposal fields shall be set back from the normal high-water mark of any lake, pond, stream, or brook as follows:
 - a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be set back at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

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- b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be set back at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.
- (3) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.
- a. Curtain drain installed per Section 12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2023), as may be amended from time to time; or
- b. Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length including fill extensions, and constructed so that the curtain drain or diversion ditch is located to prevent any short circuiting of the disposal field
- (4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots if the property owner holds a perpetual easement from the adjacent lot owner allowing the installation and maintenance of the system.
- (5) Commencing July 1, 2024, the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated ~~June 24~~ ~~March 19~~, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector. Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection.

The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed 12 months prior to each required completion date and the second notice six months prior to each required completion date.

c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,
2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated is not suitable to site a replacement subsurface wastewater disposal system that meets the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and
2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Watershed Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

- (6) In coordination with the local plumbing inspector, LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or code enforcement officer of any observed defects or malfunction that require corrective action by the property owner or operator.
- (7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to LAWPC.
- 8) Commencing on July 1, 2024, a maximum of three new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted.

The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.

Should the Planning Board conclude, based on the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water

quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. Agricultural, Forestry, and Erosion Control.

(a) ~~Agricultural uses. Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are prohibited.~~ Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only ~~allowed~~ permitted if:

- (1) ~~The property owner or operator lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, first demonstrates to LAWPC's watershed manager that~~
 - a. ~~Such use, or expansion of such use, will not cause groundwater contamination and, will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and~~
 - b. ~~The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management.~~
- (2) ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer.~~ The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee.
- (3) ~~The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of Subsection 2(a)(1)(b) no later than June 30, 2027.~~
- (4) ~~The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division.~~

(b) ~~Reserved Residential dwellings in the agriculture and resource protection zoning district. Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in the Lake Auburn Watershed Overlay District. Pursuant to 30-A M.R.S.A. 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.~~

(c) ~~Number of animal units permitted. The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula in the definition of Farm, Livestock in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot.~~

~~(ed) Agricultural-Vegetated buffer strip. Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted. Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an untilled, vegetated buffer strip at least 250 feet wide shall be retained between the tilled area and the normal high-water mark of any lake, pond, stream, brook, or NWI Wetland.~~

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

~~(de) Manure and sludge spreading, storage, and disposal. The sSpreading and or disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.~~

~~(f) Fertilizer use and application. The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District.~~

~~(1) The following uses and applications of fertilizer are permitted.~~

- ~~a. Organic fertilizer if a soil test is conducted annually; and~~
- ~~b. The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and~~
- ~~c. No more than two fertilizer applications are made in one calendar year; and~~
- ~~d. For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet.~~

~~(2) The following uses and applications of fertilizer are prohibited.~~

- ~~a. Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department.~~
- ~~b. Synthetic fertilizers.~~
- ~~c. Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland.~~
- ~~d. Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring.~~
- ~~e. Fertilizer used on saturated surfaces.~~
- ~~f. Fertilizer used on partially or wholly frozen ground.~~
- ~~g. Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately.~~
- ~~h. Fertilizer used during the summer dormancy period.~~

~~(3) Waivers of the provisions of this Subsection (f) may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager:~~

a. upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waived fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland.

b. upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section.

(4) Fertilizers shall be stored, mixed, and loaded:

a. pursuant to the specific manufacturer's storage instructions on the fertilizer label; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time.

(g) Allowed and prohibited pesticides. For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply:

(1) Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List");

(2) Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List;

(3) Pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and

(4) The use or application of pesticides (whether natural, organic, "non-synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland is prohibited.

(5) The following materials, applications, or activities are exempt from the provisions of this subsection (and are so allowed):

a. Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;

b. Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer;

c. Insect repellents when used in the manner specified by the manufacturer;

d. Rat and rodent control supplies when used in the manner specified by the manufacturer;

e. Swimming pool supplies when used in the manner specified by the manufacturer.

(6) The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland or when a waiver has been granted by the director of the city planning, permitting, and code department or their designee.

a. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may

cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District.

b. The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety.

(7) Pesticides shall be stored, mixed, loaded, and applied:

a. pursuant to the specific manufacturer's storage instructions on the pesticide label or container; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time; and

e. shall not be applied by aerial spraying.

(eh) Erosion control. The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any exposing, moving, removal, or stockpiling of soil, or the removal of vegetative cover ~~earth-cutting, moving or removal activities~~ that will result in erosion or runoff which increases sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed any lake, pond, stream, brook, or NWI Wetland in the Lake Auburn Watershed Overlay District ~~are~~ is prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3i) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. ~~From time to time,~~ The director, or their designee, may require the approved harvest plan to be

amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn.

3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division in accordance with section 60-1403.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

Sec. 60-953. Dimensional regulations; building setbacks.

Any new or expanded buildings or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

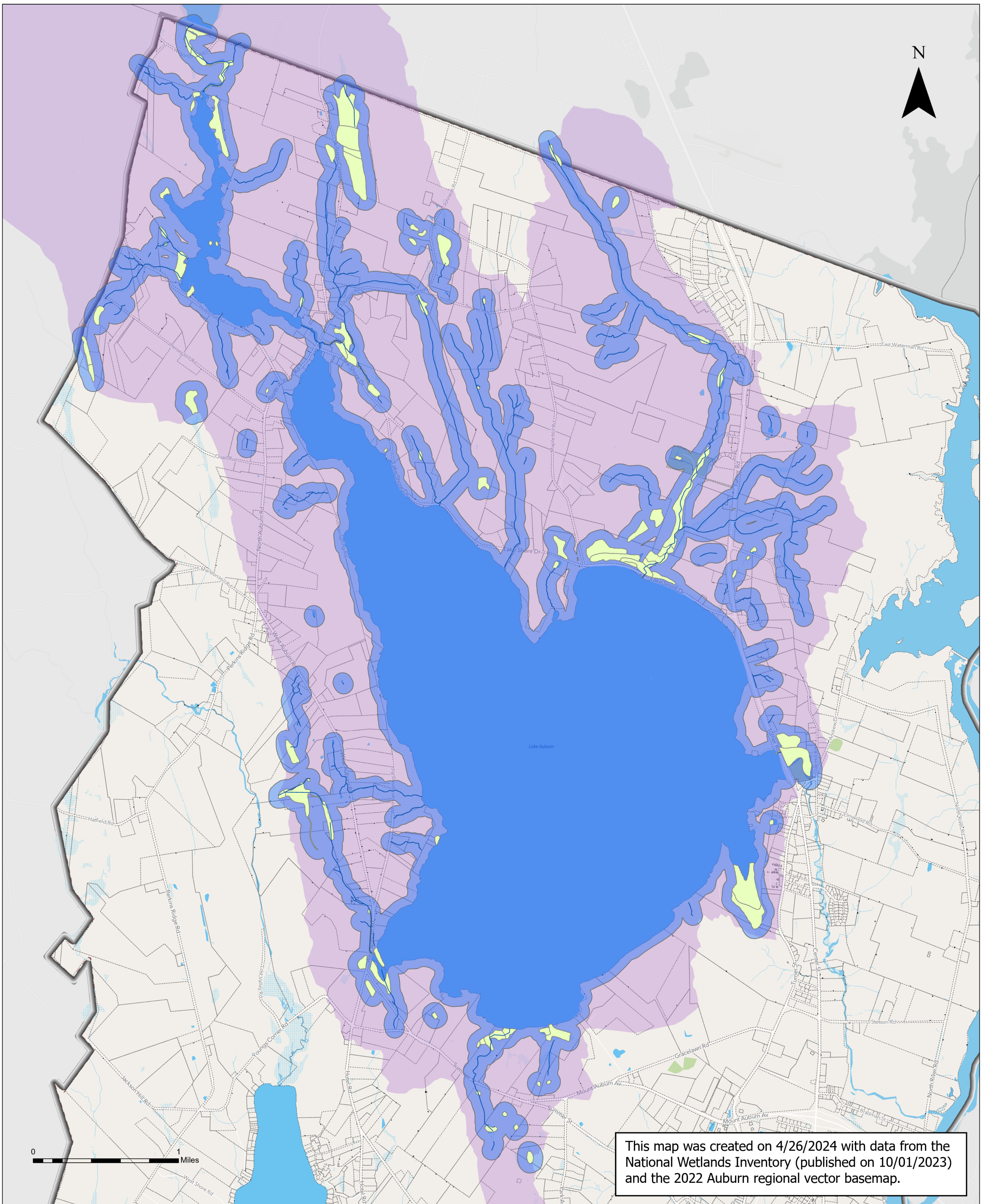
Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. Reserved.

Lake Auburn Watershed Overlay Agricultural Buffer Setbacks



- Streams
- NWI Wetlands
- Lake Auburn Watershed
- Lake Auburn Streams Wetlands Buffer 250 ft



Map & Ordinance Text Amendments Related to Lake Auburn Watershed Chapter 60, Article XII, Division 4

City Council Workshop 11/04/2024
Agriculture & Forestry

Agenda

- 1.) Why more changes?
- 2.) Definitions for Agricultural and Forestry Uses (Text Changes/Additions)
- 3.) Fertilizers and Pesticides (Text Additions)
- 4.) Erosion Control, Tree Clearing and Forestry (Text Changes/Additions)
- 5.) Natural Resource Map of 250' Setback to lake, pond, stream, brook, or NWI wetland.

Why More Changes?

- January 2024; CC, Order 04-01022024 City Manager to direct staff to work with the Lake Auburn Stakeholders Group. (AG working group, Sustainability, and Natural Resources Board, LAWPC, PB members, and public stakeholders) met in a public setting over 10 times from Jan-July to discuss and identify continued concerns and processes related to ordinances that protect Lake Auburn and its watershed.
- September 2024; CC, Order XX-09032024: Initiating ordinance amendments process to Division 4 Lake Auburn Watershed District focus on agriculture and forestry.
- Update definitions: to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N.
- Allows farming in the watershed with defined safe boards for water quality protections. (waste and nutrient management plans with required buffers)
- Requires existing farms to comply with obtaining waste or nutrient management plan that raise livestock or poultry by June 30, 2027 regardless of size.
- Set limits on animal and poultry animal units.
- Tillage setbacks from 100' to 250' (Map Developed)
- Manure spreading prohibited, language for manure storage BMPs
- Guideline for fertilizer and pesticide use and applications.
- Clearcutting limited to 2 acres on a 20-acre tract.
- Clearcutting is limited 25% of the lot on 20-acres or less.
- Added state forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
- Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act legislation.

Source Water Protection for the Auburn and Lewiston Community.
That's our drinking water!

Right to food. All individuals have a natural, inherent and unalienable right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.



Division 4. Definitions

- **Update definitions: to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N.**

District. ¶

(b) → *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned. ¶

Agricultural use means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use. ¶

Animal unit has the same meaning as in section 60-2. ¶

Clearcutting means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4-1/2 inches in diameter measured at 4-1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act. ¶

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field. ¶

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where: ¶

(1) → The products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit; and ¶

(2) → The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded. ¶

¶

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees. ¶

Livestock has the same meaning as in section 60-2. ¶

Soil test means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent. ¶

Summer dormancy means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color. ¶

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings. ¶

Tillage or tilled means the reconfiguration of the soil into a desired condition by mechanical means. ¶

Total nitrogen means the sum of all nitrogen forms contained within fertilizer, including water-soluble nitrogen forms, slow-release nitrogen forms, and water-insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers. ¶

Wetland, see NWI-Wetland. ¶

¶

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees. ¶

Livestock has the same meaning as in section 60-2. ¶

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments. ¶

Natural Resource Conservation Service or NRCS means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee. ¶

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit. ¶

NWI-Wetland means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory. ¶

Organic fertilizer means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun-curing, air-drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting in order to qualify as organic fertilizer. Organic fertilizers are broken down by and feed the microbial life in the soil. ¶

Pest shall have the same meaning as the term set forth in 40-C.F.R. § 152.5, as the same may be amended from time to time. ¶

Pesticide means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides. ¶

Pests of significant public health importance means pests listed by the U.S. Environmental Protection Agency in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance. ¶

Poultry means domesticated birds. ¶



Farming in the Lake Auburn Watershed

(a) → ~~Agricultural uses. Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are prohibited. Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only allowed permitted if:~~

(1) → ~~The property owner or operator/lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, first demonstrates to LAWPC's watershed manager that:~~

~~a. → Such use or expansion of such use, will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and~~

~~b. → The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management.~~

(2) → ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer. The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee.~~

(3) → ~~The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of this Subsection 2(a)(1)(b) no later than June 30, 2027.~~

(4) → ~~The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division.~~

- **Allows farming in the watershed with defined safe boards for water quality protection. (waste and nutrient management plans by NRCS with required buffers-250 Feet)**
- **Requires existing farms to comply with obtaining waste or nutrient management plan that raise livestock or poultry by June 30, 2027 regardless of size and crop farms over 1,000 SF.**
- **Removes hobby farms.**
- **Approvals are required by LAWPC, City Staff, and NRCS input.**

Set Limits on Animal Units In the Watershed

~~(c) → Number of animal units permitted. The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula shown in the definition of Farm, Livestock as shown in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot. ¶~~

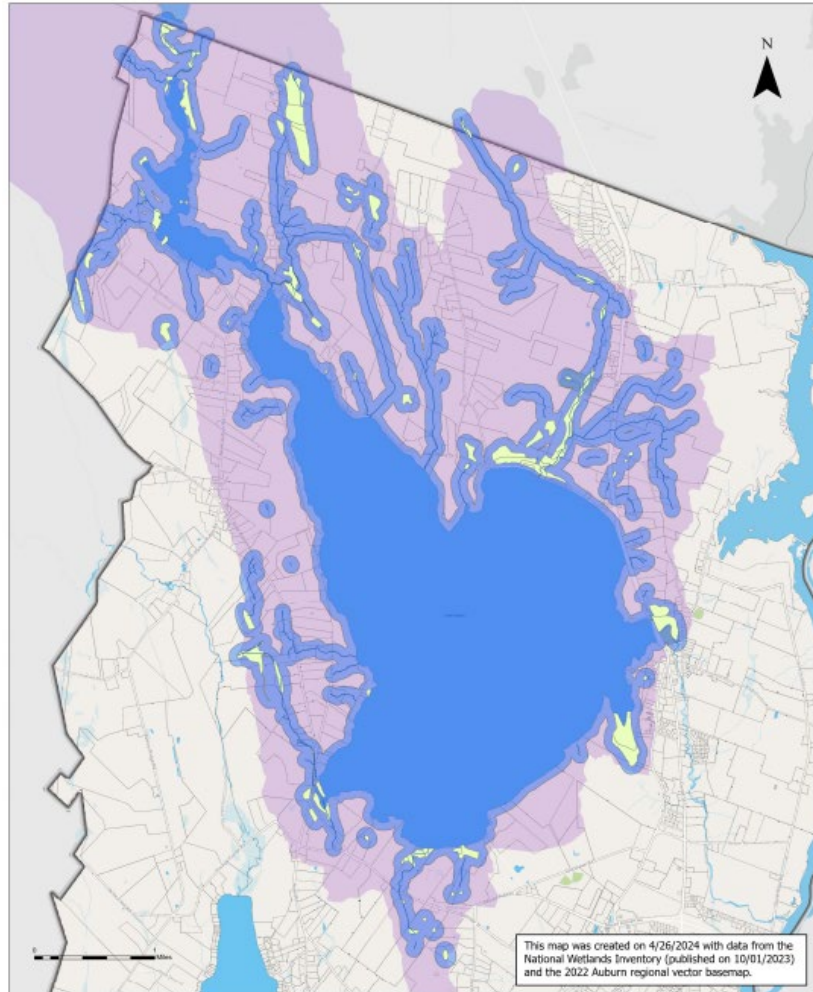
(60-2) Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar-sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by [Chapter 8](#) Animals and adequate land area is provided for each animal unit, 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.

Other livestock 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.

Division 4 Buffers

Lake Auburn Watershed Overlay Agricultural Buffer Setbacks



- Streams
- NWI Wetlands
- Lake Auburn Watershed
- Lake Auburn Streams Wetlands Buffer 250 ft



Tillage setback of 250' from Natural Resources.

(cd) → Agricultural Vegetated buffer strip. Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5-minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100-foot wide shall be retained between the tilled area and the normal high water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted. Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an

(Supp. No. 29)

Page 4 of 9

untilled, vegetated buffer strip at least 250-foot wide shall be retained between the tilled area and the normal high water mark of any lake, pond, stream, brook, or NWI Wetland.

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.



Division 4. Lake Auburn Watershed Overlay District Cont.

Manure storage requirements.

~~(de) → Manure and sludge spreading, storage, and disposal. The spreading and or disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover. All spreading and disposal of manure shall be accomplished in conformance with the then current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal. ¶~~



Division 4. Lake Auburn Watershed Overlay District Cont.

Guideline for fertilizer and pesticide use and applications.

b. → upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section. ¶

(4) → Fertilizers shall be stored, mixed, and loaded: - ¶

a. → pursuant to the specific manufacturer's storage instructions on the fertilizer label; and ¶

b. → must be stored in an impervious container on an impervious surface; and ¶

c. → must be mixed and loaded on an impervious surface; and ¶

d. → no more than two times the volume needed for a single application may be stored at any one time. ¶

(g) → Allowed and prohibited pesticides. For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply: ¶

(1) → Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List"); ¶

(2) → Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List; ¶

(3) → Pesticides determined to be "minimum-risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and ¶

(4) → The use or application of pesticides (whether natural, organic, "non-synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland is prohibited. ¶

(5) → The following materials, applications, or activities are exempt from the provisions of this subsection (and are so allowed). ¶

a. → Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer; ¶

b. → Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer; ¶

c. → Insect repellents when used in the manner specified by the manufacturer; ¶

d. → Rat and rodent control supplies when used in the manner specified by the manufacturer; ¶

e. → Swimming pool supplies when used in the manner specified by the manufacturer. ¶

(6) → The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland or when a waiver has been granted by the director of the city planning, permitting, and code department or their designee. ¶

a. → Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District. ¶

b. → The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety. ¶

(f) → Fertilizer use and application. The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District. ¶

(1) → The following uses and applications of fertilizer are permitted. ¶

a. → Organic fertilizer if a soil test is conducted annually; and ¶

b. → The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and ¶

c. → No more than two fertilizer applications are made in one calendar year; and ¶

d. → For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet. ¶

(2) → The following uses and applications of fertilizer are prohibited. ¶

a. → Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department. ¶

b. → Synthetic fertilizers. ¶

c. → Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland. ¶

d. → Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring. ¶

e. → Fertilizer used on saturated surfaces. ¶

f. → Fertilizer used on partially or wholly frozen ground. ¶

g. → Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately. ¶

h. → Fertilizer used during the summer dormancy period. ¶

(3) → Waivers may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. ¶

a. → upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waived fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland. ¶

Division 4. Lake Auburn Watershed Overlay District Cont.

- Clearcutting limited to 2 acres on a 20-acre tract.
- Clearcutting is limited 25% of the lot or 2 acres, whichever is less on lots less than 20-acres.
- Added state forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
 - Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act Legislation.

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. From time to time, the director, or their designee, may require the approved harvest plan to be amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn.





City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: John Blais, Deputy Director of Planning and Permitting

Re: ITEMS #9 &10: Public Hearing – Text Amendments related to Lake Auburn Watershed Overlay District and Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map.

Date: October 8, 2024

I. PROPOSAL: Discuss amendments to Chapter 60, Article XII, Division 4, Lake Auburn Watershed Overlay District of the Auburn Code of Ordinances to more precisely identify the standards governing definitions, agriculture, pesticides, fertilizers, forestry, resource protection and erosion control in the Lake Auburn Watershed Overlay District. This amendment is pursuant to Chapter 60, Article XVII Division 2-Amendment to the Zoning Ordinance or Zoning Map.

Consider adopting the Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map. This map is to establish a 250’ setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. BACKGROUND: In January of 2024, City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the Lake Auburn Stakeholders Group. Since that time the group(s) have met on approximately 10 occasions to address continued concerns pertaining to protecting Lake Auburn. The group(s) have relied on the ordinance to drive the discussion on what is best for the public water supply of Lewiston and Auburn. The proposed changes are detailed in the attached order and proposed text. The proposed changes include amendments to Section 60.2 Definitions, Sec. 60-951 Use and environmental regulations and Sec. 60-952 as they relate to agricultural, forestry and erosion control. The amendments include changes that will strengthen the ordinances pertaining to the Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn.

III. SUGGESTED LANGUAGE: See Attached.

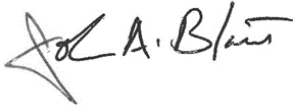
IV. SUGGESTED FINDINGS OF FACT:

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn’s Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

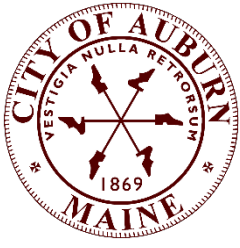
V. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS: Lake Auburn Overlay District: These two items are on the Planning Board agenda as public hearing item(s). Staff recommends the Planning Board have a discussion and make a formal recommendation to the City Council on the text amendments in Chapter 60, Article II General Provisions, Division 4, Lake Auburn Watershed Overlay District, Sec. 60-951, Sec. 60-952, and Sec.60-953 and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

1st POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to amend the text in Chapter 60, Article II General Provisions, Division 4 Lake Auburn Watershed Overlay District, Sec. 60-951, Sec.60-952 and Sec. 60-953. Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

2nd POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to adopt the Lake Auburn Watershed Overlay District, Agricultural Buffer Setbacks Map. This map is for establishing a 250' setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.



Signed



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2024

Author: Megan Norwood, Planning Coordinator

Subject: Manufactured housing, trailers, office trailers to allow shipping containers, Conex boxes, railroad cars and tractor trailer bodies for storage.

Information: The City has experienced an increase in the use of shipping containers, conex boxes, railroad cars and tractor trailer bodies used for storage. Current language in the ordinance does not address these items. Staff brought a proposed ordinance amendment to the Planning Board for initiation and the Board reviewed it at their August 13, September 10 and October 8 meetings. On October 8, 2024 the Planning Board forwarded a favorable recommendation on an ordinance to the City Council by a Vote of 4-1.

The proposed language includes provisions for shipping containers or Conex boxes that include shielding them from a public way (or neighboring property). Shipping containers or Conex boxes which are altered in appearance to resemble the characteristics of surrounding structures are excluded from visibility requirements. The language specifically limits the size of shipping containers and Conex boxes to 320 square feet and establishes a permitting process through the Planning and Permitting Department.

The language also allows for railroad cars and tractor trailer bodies to be used for agricultural and industrial uses only provided they are not visible from a public way or a neighboring property.

City Budgetary Impacts: Potential revenue from building permit fees & taxable value from the structures.

Staff Recommended Action: As this is a workshop item, please provide feedback to Staff on the proposed ordinances and any questions.

Previous Meetings and History: PB favorable recommendation at the October 8, 2024 meeting.

City Manager Comments:

Signature:

Attachments: Proposed Ordinance Amendment

Sec. 60-666. Uses of—Manufactured housing, trailers, office trailers.

The use of manufactured housing, trailers and office trailers is prohibited except as follows:

- (1) As permanent single-family residences on individual lots in all residential districts (applies only to manufactured housing units that meet all federal, state and city codes).
- (2) As permanent single-family residence in approved mobile home developments in Rural Residence (RR), and Suburban Residence (SR) Districts (applies only to manufactured housing units that meet all federal, state and city codes).
- (3) As permanent single-family residence on individual lots in the Manufactured Housing Overlay (MHO) Districts (applies only to manufactured housing units that meet the requirements of division 6 of article XII of this chapter).
- (4) As temporary residences for farm laborers or supervisory personnel employed on a seasonal basis on the farm of their employer and limited to the period of such seasonal employment.
- (5) As temporary field headquarters or office space on construction sites for persons or firms actually engaged in construction work.
- (6) As temporary office space for persons or firms actually engaged in the business of selling manufactured housing, mobile homes and trailers.
- (7) As temporary living quarters for construction workers located on or within one-quarter of a mile from the construction site on which they are employed. Such occupancy shall be limited to the period during which construction is in progress.
- (8) As temporary living quarters for persons whose need arises from emergency resulting from loss of their homes through accident, natural disaster, or other physical causes. The period of occupancy permitted by this subsection shall be limited to 12 months together with any additional period during which a valid building permit for construction of replacement living quarters may be in effect (applies to manufactured housing only).
- (9) As temporary office space for a business enterprise during the period in which permanent office space is being constructed for which a valid building permit has been issued.
- (10) As temporary living quarters for employees of itinerant businesses such as carnivals during the period when such businesses are actually being conducted within the city and in no case for longer than 30 days (applied to trailers only).
- (11) As temporary classroom space at an existing school facility for educational activities conducted by the city's department of education.
- (12) Storage boxes or space trailers used as storage space for nonhazardous materials by the commercial or industrial use which occupies the property. For the purpose of this chapter, the term "storage box" or "space trailer" means a fully enclosed structure manufactured for storage use only, ~~and does not include tractor trailer bodies, cargo container boxes or railroad cars.~~
- (13) As office space for excavation and sawmill operations for the period of active use. If such operations are discontinued for a period of 12 consecutive months, such use shall be considered abandoned and the office trailer shall be removed.
- (14) Shipping containers or Conex boxes used as a storage space for nonhazardous materials which are not visible from a public way or a neighboring property. Shipping containers or Conex boxes which are altered in appearance to resemble the characteristics of surrounding structures are excluded from

visibility requirements. Regardless of size all Conex and Storage boxes must be permitted with city code enforcement and size must be limited 320 SF.

(15) Railroad cars and tractor trailer bodies ~~used for the storage of harvested crops~~ which are not visible from a public way or a neighboring property are allowed for agricultural and industrial uses only.

(Ord. of 9-21-2009, § 4.3B)

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Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Student Representative Abdulahi was absent (excused). All Councilors were present.

I. Consent Items

1. ORDER 145-10212024* - Appointing Arthur Wing to the Auburn Housing Authority Board of Commissioners for a term that expires 10/1/2029, as recommended by the Appointment Committee.

Councilor Gerry moved for passage, seconded by Councilor Whiting. Motion passed 7-0.

II. Minutes – October 7, 2024 Regular Council Meeting

Councilor Walker moved for acceptance of the minutes, seconded by Councilor Cowan. Motion passed 7-0.

III. Communications, Presentations and Recognitions

Mayor Harmon read a memo submitted by the Natural Products & Agriculture Working Group thanking the City for its support of the Farm & Forest event held over the weekend. Over 200 people attended.

City Manager Crowell, Mayor Harmon, and Chief Robert Chase recognized the Auburn Fire Department for their outstanding work in response to several low-frequency, high-risk emergencies and fires lately. Several members of the Fire Department were in attendance.

Mayor Harmon presented a plaque to owners of Republic Jewelry and Collectibles in recognition of the business' 40th anniversary.

Mayor Harmon read the proclamation for 2024 Extra Mile Day and presented an award to the Volunteers at The Drop-In Center.

IV. Open Session

None.

V. Unfinished Business

1. ORDINANCE 19-10032024– Adopting revised MMA General Assistance Ordinance and 2024/2025 GA Maximums. Second reading/public hearing. Passage requires majority vote. ROLL CALL VOTE.

Mayor Harmon opened the public hearing. There was no comment. The public hearing was closed.

Councilor Walker moved for passage, seconded by Councilor Gerry. Motion passed 7-0 on a roll call vote.

2. ORDER 146-10212024 – Amending ORDER 106-08192024 regarding the City's Comprehensive Plan Committee. Passage requires majority vote.

Councilor Milks moved for passage, seconded by Councilor Weisner.

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Councilors discussed the merits of the proposed amendment.

Motion failed 3-4 (Gerry, Whiting, Platz, Cowan opposed).

VI. New Business

1. Public Hearing – CDBG/HOME Consolidated Annual Performance Evaluation Report (CAPER) Program Year 2023. No action.

Mayor Harmon opened the public hearing at 7:52pm. There was no comment and the public hearing was closed. No action was taken by the Council.

2. ORDER 147-10212024 - Authorizing the City's general obligation bonds in the amount of \$983,000 to finance the School Department's FY25 Capital Improvement Program. First reading. ROLL CALL VOTE. Passage requires an affirmative vote of 5 Councilors at the second reading.

Councilor Whiting moved for passage, seconded by Councilor Cowan. Motion passed 6-1 (Gerry opposed) on a roll call vote.

VII. Reports

a. **Mayor's Report**- Mayor Harmon recognized the self-serve fuel option now available at the airport. Attended the Preble St. Homelessness Conference with the City Manager. Attended the Farm & Forest tour hosted by the Natural Products & Agriculture committee. Attended recent tours of manufacturing plants in recognition of Manufacturing Month. Reminded the public of the upcoming community meeting for citizens to give input on the Washington St. Corridor on 10/23 at 5:30pm. Reminded the public that absentee voting is ongoing at Auburn Hall and residents may vote absentee until 10/31 without special circumstances.

b. **City Councilors' Reports** – Councilor Whiting thanked the manufacturing plants for offering tours. Councilor Cowan thanked the Economic Development department for organizing the tours of the manufacturing plants and commented on the upcoming meeting of the Homeless Committee on Thursday. The Homeless Committee is close to producing a report. Councilor Weisner attended the self-serve fuel event at the airport, there was great attendance. Asked the City Manager for an update on the Solid Waste plan, especially on recycling and compost. Councilor Walker thanked everyone who attended the recent clothing giveaway hosted by the Age Friendly Committee, over 425 people attended at the Library and over 5,000 pieces of clothing were given away. Reminded the public of UNAA's Halloween event on 10/27 from 1-3pm in Anniversary Park. Councilor Platz gave a few updates from the School Department; Asst. Superintendent was announced, Scott Annear. School recently approved \$67,300 from previous bond for submeters for the new geothermal system at the High School, this could earn a tax credit up to \$3 million in net savings.

c. **Student Representative Report** – Representative Egge acknowledged the Lewiston tragedy one year ago and thanked public safety for all they do to keep the community safe.

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d. **City Manager Report** – Recognized the 1 year Lewiston Remembrance event occurring on 10/25. Thanked Landry French for including students of the PAL center in their recent “topping off” ceremony. Recognized Halloween events taking place, Trunk or Treat, and the Drug Take Back event at Bedard Pharmacy and the Sandbuckers for Seniors program.

e. **July 2024 Finance Report – Kelsey Earle, Finance Director**

Motion to accept the Finance Report by Councilor Walker, seconded by Councilor Milks. Motion passed 7-0.

VIII. Open Session

None.

IX. Executive Session

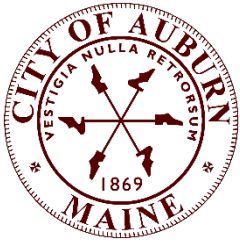
None.

X. Adjournment

Motion to adjourn made by Councilor Walker, seconded by Councilor Weisner. Motion passed 7-0. Council adjourned at 8:12pm.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2024

ORDINANCE 20-11042024

Author: Kris Beaudoin- Code Compliance Team Leader

Subject: Chapter 12 Article IV.- Housing Code, Ordinance update

Information: Updates to Chapter 12 Article IV. Housing Code to clarify its applicability to all building types and address challenges with vacant buildings. The proposed amendments include the addition of a definition for vacant buildings, requirements specific to vacant buildings, and the addition of language in Division 2 expanding inspection areas to vacant buildings and structures utilized for the purpose of conducting business. The proposed changes to the ordinance will clarify the applicability of standards to vacant and non-residential buildings and expand the enforcement ability of staff on vacant buildings. The ordinance has been reviewed by the City Attorney and the edits from that review have been included in the draft.

City Budgetary Impacts: None-easier enforcement

Staff Recommended Action: Hold the first reading of the amended draft ordinance during November 4, 2024, Council meeting.

Previous Meetings and History: Council Workshop September 3, 2024

City Manager Comments:

Signature: *Phillip Crowell Jr.*

Attachments: Chapter 12 Article IV. document outlining changes.

ARTICLE IV. PROPERTY MAINTENANCE AND HOUSING CODE

DIVISION 1. GENERALLY

Sec. 12-145. Purpose.

The purpose of this article is to establish minimum standards for all ~~dwelling~~ buildings and ~~property~~ incident thereto in the city to ~~insure~~ ensure 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.

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.

Paint stabilization means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint to the affected areas.

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, countertops, and floors.

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.

Vacant building means any building that is unoccupied, unattended, and is not actively used as a place of residence or business, or is frequently ~~open or~~ unsecured so that unauthorized entrance may be gained.

(b) Whenever the words "building", "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; Ord. No. 02-02222016, 3-7-2016; Ord. No. 10-11022020, 11-16-2020)

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 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 Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-150. Procedure for granting exceptions.

- (a) The code compliance officer shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.
- (b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

(Code 1967, § 20-A(1.7); Ord Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-151—12-169. Reserved.

DIVISION 2. INSPECTIONS

Sec. 12-170. Authority of code compliance officer.

The code compliance officer ~~is~~ hereby authorized to make inspections to determine the condition of vacant buildings, structures used for the purpose of conducting business, dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that ~~he~~ the code compliance officer may perform ~~his~~ their ~~duties~~ 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; Ord. No. 02-02222016, 3-7-2016)

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

For the purpose of making such inspections, the code compliance officer is hereby authorized to enter, examine, and survey any or all property or building, including without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time, ~~or as authorized by law 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; Ord. No. 02-02222016, 3-7-2016)

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

- (a) *Access of 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 code compliance officer free access to any or

all such property or building including, without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time, or as authorized by law, 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 property or building including, without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, 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 provisinesprovisions 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; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-173—12-194. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 12-195. Procedure generally.

- (a) If the 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 planning and development.
 - (5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.

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- (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 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; Ord. No. 02-02222016, 3-7-2016)

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 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 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; Ord. No. 02-02222016, 3-7-2016)

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

- (a) *Authority of 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 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 code compliance officer.
- (b) *Procedure.* To placard, the 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 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 code compliance officer. The 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; Ord. No. 02-02222016, 3-7-2016)

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 that extreme danger or menace to the occupants or the public health exists, the 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; Ord. No. 02-02222016, 3-7-2016)

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.

- (a) All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.
- (b) All painted exterior surface areas of pre 1978 properties must be maintained in a manner to not cause a public nuisance or affect the health and safety of the occupants of the property where the condition exists or of surrounding properties. Paint stabilization must occur if the potential for such a condition exists.

(Code 1967, § 20-A(6.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 10-11022020, 11-16-2020)

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; Ord. No. 02-02222016, 3-7-2016)

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, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet from the exterior walls, five feet above floor level, as required by prevailing weather conditions. 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; Ord. No. 02-02222016, 3-7-2016)

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 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; Ord. No. 02-02222016, 3-7-2016)

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)

Sec. 12-235. Vacant Buildings.

~~(a)~~ In addition to other requirements, including without limitation section Sec. 12-226, all All-vacant buildings shall be weather- protected from the elements to prevent deterioration of the interior and exterior of the building.

(b) All vacant buildings shall be secured to prevent rodent infestation and entry by unauthorized individuals.

(c) Sprinkler systems located in vacant buildings must be maintained and remain operational unless a removal request is approved in writing by the Authority Having Jurisdiction (AHJ), as such term is defined in the National Fire Protection Association Fire Prevention Code (also known as NFPA #1).



Ordinance 20-11042024

City Council Ordinance

IN CITY COUNCIL

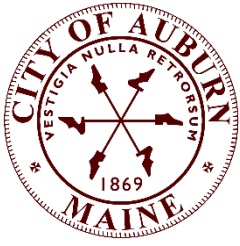
PROPERTY MAINTENANCE AND HOUSING CODE

Be it ordained, that the Auburn City Council adopt the amendments to Chapter 12, Article IV, Property Maintenance And Housing Code as shown on the attached copy.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

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

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2024

Order: 148-11042024

Author: Councilor Belinda Gerry & Councilor Adam Platz

Subject: Amending ORDER 106-08192024 regarding composition of the City's Comprehensive Plan Committee

Information: Councilor Gerry and Councilor Platz are submitting the following amendment to ORDER 106-08192024:

- Up to ~~10~~ 12 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)

This amendment would change the total number of resident members to 12, from the current 10. A copy of ORDER 106-08192024 is attached for reference.

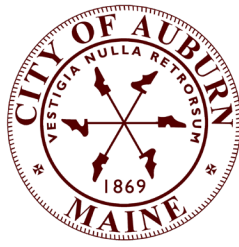
City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History: ORDER 106-08192024 was passed August 19, 2024 and amended at the October 7, 2024 meeting. A proposed amendment changing the Comp Plan Committee's composition was considered at the October 21, 2024 meeting and failed 3-4 (Gerry, Platz, Whiting, Cowan opposed).

City Manager Comments: *Phillip Crowell Jr.*

Attachments: None



ORDER 106-08192024

City Council Order

AMENDED 10/7/24

IN CITY COUNCIL

Ordered, that the Auburn City Council adopt the attached Membership, Schedule, Charge and Directive defining and initiating the appointment process for the Comprehensive Plan Committee and directing the City Manager to provide staff support for selecting a consultant, the planning process and to provide facilities for meetings.

Passed 8/19/24, 7-0.
Amended 10/7/24, 5-2 (Gerry, Whiting).

Richard S. Whiting, Ward One
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Belinda A. Gerry, At Large

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Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Comprehensive Plan Committee Membership

- The mayor (voting member)
- Up to two city councilors, appointed by the City Council (voting members)
- Up to two members of the Planning Board, nominated by the Planning Board and appointed by the City Council (voting members)
- Up to 10 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)
- Up to two residents of the State of Maine who have expertise in municipal comprehensive or master planning and/or land use regulation, nominated jointly by the Mayor and City Manager and appointed by the City Council (voting if an Auburn resident, non-voting if not an Auburn resident)
- The city manager (non-voting)
- The assistant city manager (non-voting)

Comprehensive Plan Committee Schedule

- **The deadline to receive applications shall be November 8, 2024.**
- Nominations for members of the Comprehensive Plan Committee shall be forwarded to the City Council within 35 days of the enactment of this order.
- The Comprehensive Plan Committee shall meet within 30 days of the enactment of the order confirming nominated members to the Comprehensive Plan Committee.
- The Comprehensive Plan Committee shall elect, from their voting membership, a chairperson and a vice-chairperson at their first meeting.
- The Comprehensive Plan Committee shall submit a draft comprehensive plan to the Planning Board for their review within 12 months of the Committee's first meeting.
- The Planning Board shall review the draft comprehensive plan and submit their recommendations regarding the draft plan to the City Council within 65 days of receipt of the draft plan from the Comprehensive Plan Committee.

Comprehensive Plan Committee Charge

- Shall prepare a comprehensive plan and implementation strategies in compliance with 30-A M.R.S.A Chapter 187, Subchapter 2.
- Shall review the current zoning district regulations and zoning maps and prepare recommendations for revised zoning district regulations and maps.
- Shall review all relevant local municipal information related to the comprehensive planning process including but not limited to maps, data, capital plans, city services, inventories, and analysis.

Directive to City Manager

- The city manager shall provide staff support and meeting facilities to the Comprehensive Plan Committee.
- The city manager shall provide subject matter experts from the city staff to assist the Comprehensive Plan Committee with the preparation of the comprehensive plan.
- The city manager shall develop a request for proposal to secure the services of a comprehensive planning consultant to assist the Comprehensive Plan Committee with the preparation of the comprehensive plan.
- The city manager shall create a proposal review committee to review the responses from the consultants to the RFP, and to select a successful proposer, which includes an equal number of city staff and members of the Comprehensive Plan Committee.



ORDER 148-11042024

City Council Order

IN CITY COUNCIL

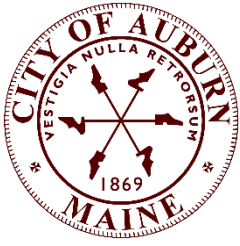
ORDERED, that ORDER 106-08192024, as passed August 19, 2024 and amended on October 7, 2024, be amended as follows:

- Up to ~~10~~ 12 residents of Auburn, who are not a member of the City Council or Planning Board, including at least one resident residing in each Ward, nominated by the Appointment Committee and appointed by the City Council (voting members)

Richard S. Whiting, Ward One
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Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2024

RESOLVE 7-11042024

Author: Eric Cousens – Director of Planning and Permitting

Subject: Interim Rail Trail Resolve

Information: Mayor Harmon has requested Staff to prepare a resolve and information sheet pertaining to the future use of the State-owned section of the St. Lawrence and Atlantic Railroad Berlin Subdivision between Auburn and Portland.

A Portland to Auburn Rail Use Advisory Council was formed by the Maine DOT as a result of LD 1133 (an Act to Amend the Transportation Laws). The Council was tasked with reviewing the approximately 26.5-mile section of the St. Lawrence and Atlantic Rail Corridor and provide recommendations on the likelihood, economic benefits and costs of potential uses of the rail corridor. The trail has significant benefits for active transportation.

In January of 2023 the Portland to Auburn Rail Use Advisory Council provided three recommendations:

- Interim Trail until Rail: A paved trail (7 votes)
- Rail with Trail: A trail built alongside the existing tracks (5 votes)
- Rail Use Only: Keeping the tracks in place (1 votes)

Out of the three options the City of Auburn supported a “rail with trail” recommendation in an attempt to promote the substantial benefits of the trail while also preserving the best chance of freight or passenger rail use in the future.

With “rail with trail” no longer being a policy option, the City must consider whether it supports using the railway as an interim trail between Portland and Auburn as part of the Casco Bay Trail.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Consider resolve and vote to adopt revised position given the limited choices that are now available.

Previous Meetings and History:

City Manager Comments:

Signature:

Attachments: Draft Resolve for Interim Trail



City Council Resolve

IN CITY COUNCIL

WHEREAS, the Commissioner of the Maine Department of Transportation, pursuant to Public Law 21, Chapter 239, established a Rail Use Advisory Council to facilitate discussion, gather information, and provide advice regarding the future use of the state-owned section of the St. Lawrence and Atlantic Railroad Berlin Subdivision between Auburn and Portland; and

WHEREAS, the City of Auburn was provided a seat on said Council to provide input on city plans and policies relating to the future use of this rail corridor; and

WHEREAS, the State of Maine acquired this corridor through two purchases, one in 2007 and another in 2010, as part of on-going planning for freight and passenger movements between the City of Portland and the City of Auburn; and

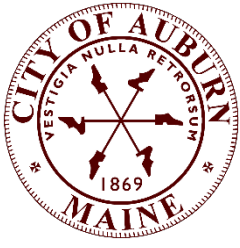
WHEREAS, the city has identified south Auburn as a growth area in its most recent Comprehensive Plan and multi-modal use of this corridor, including for active transportation, would increase its attractiveness for residential and commercial investment; and

WHEREAS, the City of Auburn previously supported a “rail with trail” recommendation; and

WHEREAS, the “rail with trail” option is no longer an available policy option, and the legislature will consider a recommendation of rail, trail, or interim trail; and

WHEREAS, the establishment of an “interim trail” along this corridor is integral to the establishment of the Casco Bay Trail;

NOW THEREFORE BE IT RESOLVED, that the Auburn City Council supports an “interim trail” recommendation from the Rail Use Advisory Council and the expedited advancement of any necessary planning and design work to implement that recommendation between the city of Portland, and the city of Auburn as part of the Casco Bay Trail.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2024

Order: 149-11042024

Author: John Blais, Deputy Director Planning & Permitting

Subject: Amending ORDER 123-09162024 extending the reporting deadline for the Mayor's Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee from November 18, 2024 to December 16, 2024.

Information: This order amends ORDER 123-09162024 (attached) to change the reporting deadline from November 18, 2024 to December 16, 2024. The committee has made great progress particularly with defining Bona-Fide Agricultural and Farm land uses and we wish to have at least two additional meetings to define Bona-Fide Recreational and Natural Resources land uses. The thought is to focus on each of those two topics on each meeting individually and then finalize a working document to be shared with the City Council.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History: ORDER 123-09162024 creating the Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee was passed at the September 16, 2024 Council Meeting.

City Manager Comments: *Phillip Crowell Jr.*

Attachments: None



City Council Order

IN CITY COUNCIL

ORDERED, the creation of the Mayor's Ad-hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee as outlined below:

Charge

The Mayor's Ad-hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee will develop criteria to be used when determining if a business or land use, if implemented, will constitute a bona fide farming, agricultural, recreational or natural resource use pursuant the City of Auburn Code of Ordinances, Section 60-145(a)(1)(b)(2)(i).

Membership

The committee shall be comprised of the following members:

- The Chair of the Sustainability and Natural Resources Board or the Chair's designee.
- Up to two representatives of the Natural Products and Agriculture Working Group as designated by the Chair of the Group.
- A representative of the Conservation Working Group as designated by the Chair of the Group.
- A representative of the Community Forestry Working Group as designated by the Chair of the Group.
- A representative of the Parks and Recreation Advisory Board as designated by the Chair of the Board.
- A member of the Planning Board as designated by the Chair of the Board.
- Representatives of the Planning, Permitting, and Code Enforcement Department as designated by the City Manager.

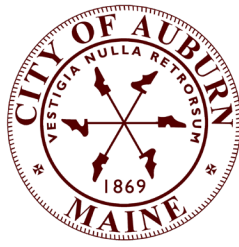
Reporting

The Committee report to the City Council, no later than November 18, 2024, with proposed criteria.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

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

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



ORDER 149-11042024

City Council Order

IN CITY COUNCIL

ORDERED, that ORDER 123-09162024, as passed September 16, 2024, be amended as follows:

Reporting

The Committee report to the City Council, no later than ~~November 18, 2024~~ **December 16, 2024**, with proposed criteria.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

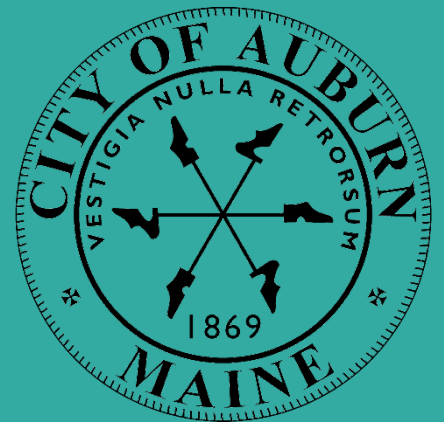
Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

Monthly Financial Report

August 2024 - Fiscal Year 2025

Authored by: Kelsey Earle



To: Honorable Mayor, Members of the City Council and City Manager
Subject: Financial Report for the Month Ending August 31, 2024

I respectfully submit the financial summaries of the revenue and expenditure activities for the City during the month ending August 31, 2024.

Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department. The City has completed its first month of the current fiscal year. As a guideline for tracking purposes, if split evenly throughout the year, revenues and expenditures should amount to approximately 16.66% of the annual budget. However, not all costs and revenues are distributed evenly as individual line items can vary based upon cyclical activity.

General Fund Highlights

Revenues

- Total revenues collected through August 2024 were **\$7.51M** or **11.15%** of budgeted general fund revenue, as compared to 9.4% of actual revenues through August 2023.

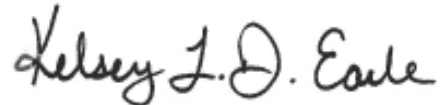
- Total tax collection and EMS Transport fees have had a significant impact on the increase in revenue collected

Expenditures

- Expenditures through August 2024 were **\$8.8M** or **8.25%** of the budget, as compared to 8.3% of actual expenditures through August 2023.

- No significant expenses are generally expected during the month of August, operating budgets are usually stable during this period

Respectfully submitted,



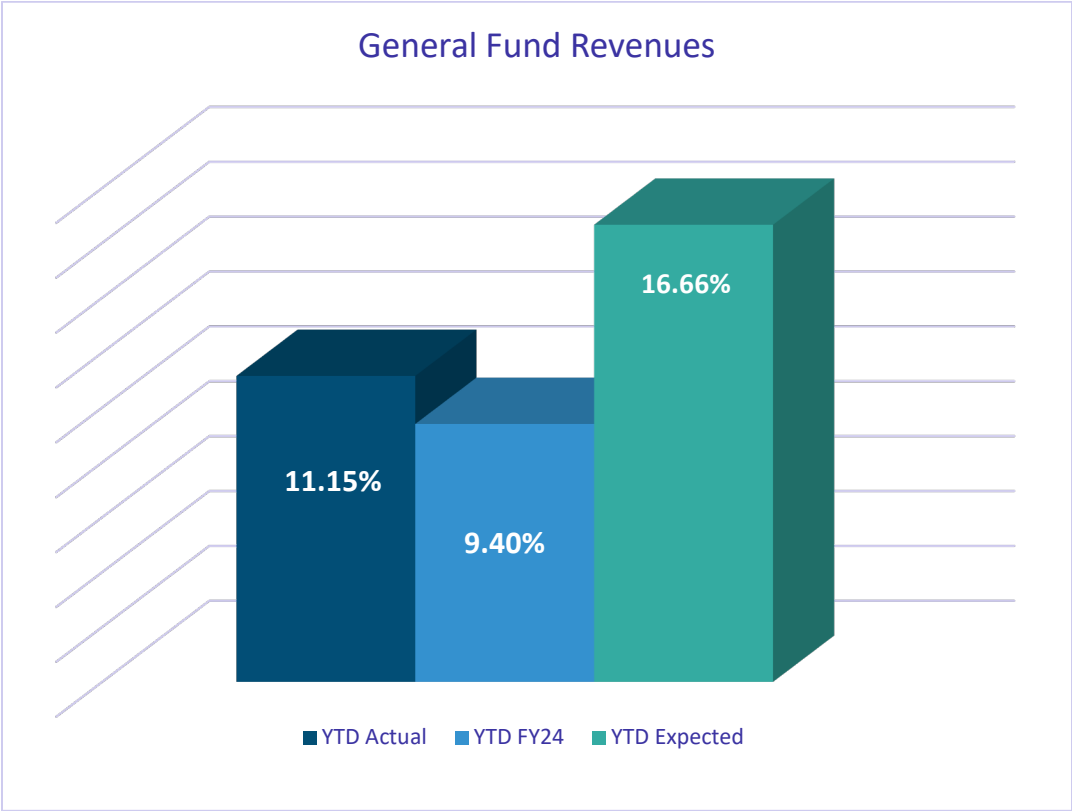
Kelsey L. D. Earle

Finance Director

General Fund

for the Period Ended August 31, 2024

*Graph reflects current YTD with comparison to prior YTD and expected approximate percentage.



GENERAL FUND REVENUES - AUGUST 2024

| | | ORIGINAL | | | AVAILABLE | PCT |
|------------------------------------|-------------------------------|-----------------------|----------------------|--------------|-----------------------|---------------|
| | | APPROP | ACTUALS | ENCUMBRANCES | BUDGET | USED |
| 1006 | Communications & Engagement | -65,000 | 0 | 0 | -65,000 | 0.00% |
| 1007 | City Clerk | -308,860 | -41,189 | 0 | -267,671 | 13.34% |
| 1008 | Finance | -22,535,996 | -6,967,065 | 0 | -15,568,931 | 30.92% |
| 1010 | Planning & Permitting | 0 | -24,500 | 0 | 24,500 | #DIV/0! |
| 1012 | Planning & Permittin | -183,400 | -53,153 | 0 | -130,247 | 28.98% |
| 1014 | Engineering | -20,450 | -120 | 0 | -20,330 | 0.59% |
| 1015 | Facilities | -104,000 | -25,834 | 0 | -78,167 | 24.84% |
| 1021 | Fire & EMS Transport | -100 | 0 | 0 | -100 | 0.00% |
| 1022 | Police | -64,000 | -4,182 | 0 | -59,818 | 6.53% |
| 1023 | Fire EMS Transport | -1,700,000 | -272,072 | 0 | -1,427,928 | 16.00% |
| 1032 | Health and Social Serv Assist | -630,840 | -125,839 | 0 | -505,001 | 19.95% |
| 1042 | Public Works | -400,000 | 0 | 0 | -400,000 | 0.00% |
| 1070 | Education | -41,368,735 | 0 | 0 | -41,368,735 | 0.00% |
| TOTAL General Fund Revenues | | -67,381,381.00 | -7,513,953.56 | 0.00 | -59,867,427.44 | 11.15% |

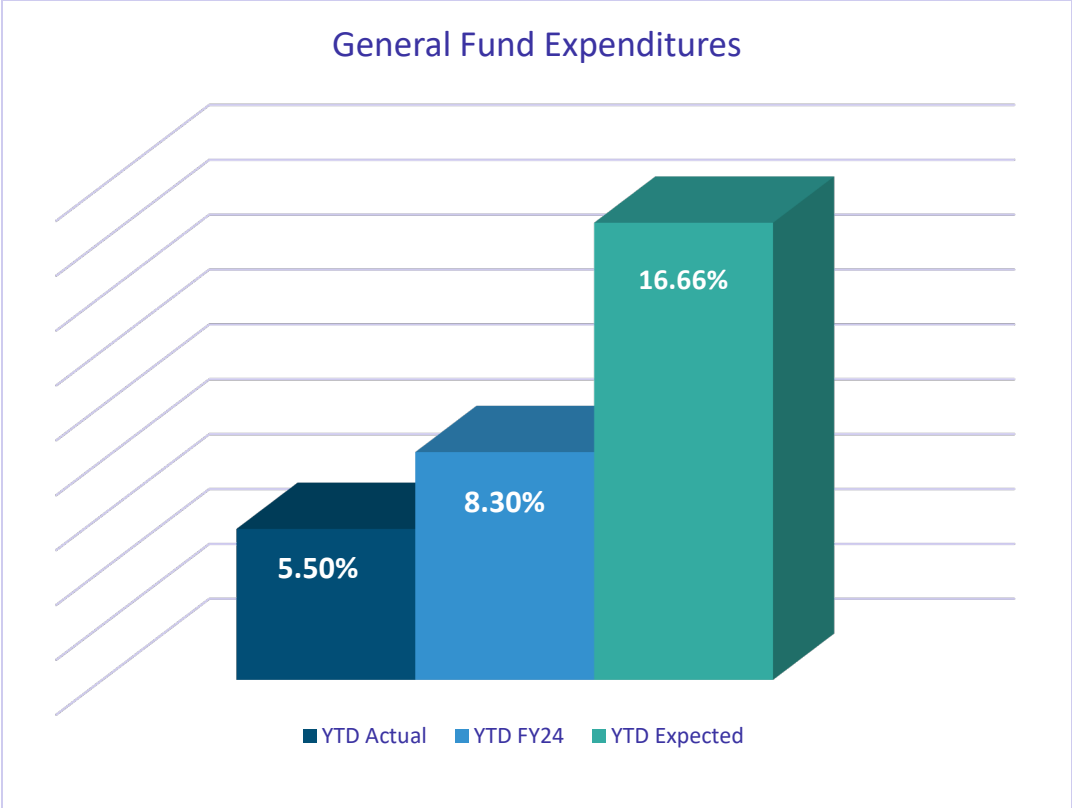
EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2024 - Aug 31,2024
Report as of August 31st, 2024

| | Beginning | August 2024 | | | | | Ending |
|----------------------------|---------------------|---------------|-----------------|-------------|-----------------|-------------|----------------------|
| | Balance 8/1/2024 | New Charges | Payments | Refunds | Adjustments | Write-Offs | Balance 8/31/2024 |
| Attorney/In care of | \$ (16.75) | \$ 962.00 | \$ - | \$ - | \$ - | \$ - | \$ 945.25 |
| Bluecross | \$ 78,745.25 | \$ 8,298.00 | \$ (6,849.91) | \$ - | \$ 1,578.67 | \$ - | \$ 81,772.01 |
| Intercept | \$ (2,169.40) | \$ 100.00 | \$ (100.00) | \$ - | \$ - | \$ - | \$ (2,169.40) |
| Medicare | \$ 531,763.30 | \$ 122,252.00 | \$ (64,800.41) | \$ - | \$ (107,651.54) | \$ - | \$ 481,563.35 |
| Medicaid | \$ (189,295.19) | \$ 47,440.00 | \$ (54,235.06) | \$ - | \$ (41,125.23) | \$ - | \$ (237,215.48) |
| Other/Commercial | \$ 167,707.77 | \$ 21,260.00 | \$ (28,238.80) | \$ 679.40 | \$ (2,979.62) | \$ - | \$ 158,428.75 |
| Patient | \$ (37,368.98) | \$ 6,530.00 | \$ (13,067.03) | \$ 750.44 | \$ 1.70 | \$ 1,077.40 | \$ (42,076.47) |
| Worker's Comp | \$ (11,428.01) | \$ - | \$ (2,561.80) | \$ - | \$ (375.70) | \$ - | \$ (14,365.51) |
| TOTAL | \$ 537,937.99 | \$ 206,842.00 | \$ (169,853.01) | \$ 1,429.84 | \$ (150,551.72) | \$ 1,077.40 | \$ 426,882.50 |

General Fund

for the Period Ended August 31, 2024

*Graph reflects current YTD with comparison to prior YTD and expected approximate percentage.



GENERAL FUND EXPENDITURES - AUGUST 2024

| | ORIGINAL | | | AVAILABLE | PCT |
|-------------------------------------|--------------------|------------------|------------------|--------------------|--------------|
| | APPROP | ACTUALS | ENCUMBRANCES | BUDGET | USED |
| 1004 Mayor and Council | 178,800 | 33,370 | 0 | 145,430 | 18.66% |
| 1005 City Manager | 711,450 | 119,297 | 1,507 | 590,646 | 16.98% |
| 1006 Communications & Engagement | 378,966 | 43,583 | 19,728 | 315,655 | 16.71% |
| 1007 City Clerk | 335,291 | 41,130 | 0 | 294,161 | 12.27% |
| 1008 Finance | 1,351,064 | 264,470 | 0 | 1,086,594 | 19.57% |
| 1009 Human Resources | 280,420 | 39,678 | 0 | 240,742 | 14.15% |
| 1010 Planning & Permitting | 829,048 | 116,920 | 0 | 712,128 | 14.10% |
| 1011 Economic Development | 135,461 | 29,448 | 0 | 106,013 | 21.74% |
| 1012 Planning & Permittin | 0 | 500 | 0 | -500 | #DIV/0! |
| 1013 Business & Community Developme | 804,568 | 82,937 | 0 | 721,631 | 10.31% |
| 1014 Engineering | 363,646 | 80 | 0 | 363,566 | 0.02% |
| 1015 Facilities | 1,874,151 | 58,667 | 149,160 | 1,666,324 | 11.09% |
| 1016 Worker's Compensation | 719,025 | 0 | 0 | 719,025 | 0.00% |
| 1017 Fringe Benefits & Salary Incre | 8,212,715 | 1,249,949 | 0 | 6,962,766 | 15.22% |
| 1019 Debt Service | 9,772,812 | 0 | 0 | 9,772,812 | 0.00% |
| 1020 Capital Investment and Purchas | 0 | 74,109 | -9,986 | -64,124 | #DIV/0! |
| 1021 Fire & EMS Transport | 6,634,967 | 971,872 | -1,098 | 5,664,193 | 14.63% |
| 1022 Police | 5,517,652 | 726,860 | 66,152 | 4,724,640 | 14.37% |
| 1025 Information Technology | 1,039,215 | 328,939 | 25,808 | 684,468 | 34.14% |
| 1030 Recreation and Sports Tourism | 590,866 | 89,677 | 4,000 | 497,189 | 15.85% |
| 1032 Health and Social Serv Assist | 901,200 | 134,770 | 0 | 766,430 | 14.95% |
| 1042 Public Works | 6,368,936 | 743,039 | 209,882 | 5,416,015 | 14.96% |
| 1043 Solid Waste Disposal | 1,616,500 | 152,337 | 0 | 1,464,163 | 9.42% |
| 1045 County Tax | 3,117,240 | 3,117,240 | 0 | 0 | 100.00% |
| 1046 PW School Maint & Custodial | 3,745,487 | 230,173 | 1,009,864 | 2,505,450 | 33.11% |
| 1049 Auburn Art in the Park | 25,000 | 0 | 0 | 25,000 | 0.00% |
| 1050 Public Library | 1,199,897 | 199,983 | 0 | 999,914 | 16.67% |
| 1051 Transfer to TIF | 3,049,803 | 0 | 0 | 3,049,803 | 0.00% |
| 1052 Water & Sewer | 840,280 | 0 | 0 | 840,280 | 0.00% |
| 1053 Tax Sharing | 260,000 | 0 | 0 | 260,000 | 0.00% |
| 1054 Auburn-Lewiston Airport | 205,000 | -9,778 | 0 | 214,778 | -4.77% |
| 1056 LA Transit Committee | 458,502 | 0 | 0 | 458,502 | 0.00% |
| 1057 LA-911 | 1,380,000 | 0 | 0 | 1,380,000 | 0.00% |
| 1070 Education | 62,123,472 | 0 | 0 | 62,123,472 | 0.00% |
| TOTAL General Fund Expenses | 125,021,434 | 8,839,251 | 1,475,018 | 114,707,166 | 8.25% |

BALANCE SHEET FOR 2025 Period 2 (August)

| FUND: 1000 General Fund | | | NET CHANGE FOR PERIOD | ACCOUNT BALANCE |
|-------------------------|----------------------------------|------------------------------|--------------------------|--------------------|
| ASSETS | | | | |
| | TOTAL ASSETS | | 48,618,577.28 | 79,413,880.58 |
| LIABILITIES | | | | |
| | TOTAL LIABILITIES | | -49,765,663.93 | 58,375,860.76 |
| FUND BALANCE | | | | |
| 1000 | 037000 | Ctrl Total - Encumbrances | 1,041,286.87 | 1,908,825.83 |
| 1000 | 037100 | Assinged Fund Balance | .00 | -1,951,394.00 |
| 1000 | 037102 | Nonspendable Fund Balance | .00 | -689,263.00 |
| 1000 | 037103 | Restricted Fund Balance | .00 | -2,309,553.00 |
| 1000 | 037104 | Unassigned Fund Balance | .00 | -17,932,496.61 |
| 1000 | 037105 | FB RESTRICTED SCHOOL | .00 | 536,000.00 |
| 1000 | 037201 | CTRL TOTAL-BUD FB DESIGNATED | -1,041,286.87 | -1,908,825.83 |
| 1000 | 047000 | Ctrl Total - Revenues | -5,344,574.99 | -7,530,040.86 |
| 1000 | 057000 | CTRL TOTAL-EXPENDITURES | 6,491,661.64 | 8,836,648.37 |
| | TOTAL FUND BALANCE | | 1,147,086.65 | -21,040,099.10 |
| | TOTAL LIABILITIES + FUND BALANCE | | -48,618,577.28 | -79,415,959.86 |

Norway Savings Bank Arena

for the Period Ended August 31, 2024

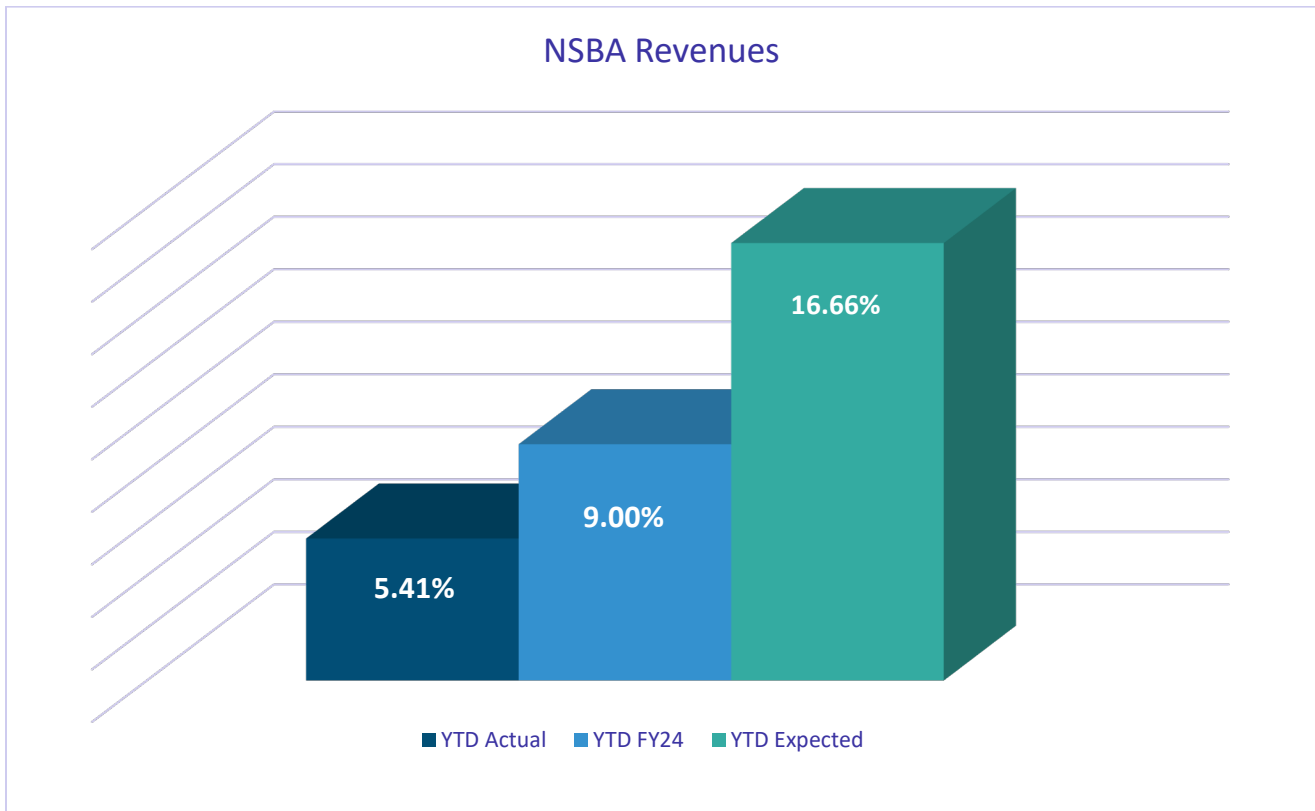
As of August 2024, Norway Arena had an operating loss fiscal YTD of \$32,308.

Revenues:

The operating revenues for Norway Arena through August 2024 are \$59,475 or 5.41% of the budget as compared to 9.00% of actual revenues through August 2023. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

- Ice rentals began earlier last year, the current rink project is almost complete

*Graph reflects revenues for the current year with comparison to expected approximate percentage.



NSBA REVENUES - AUGUST 2024

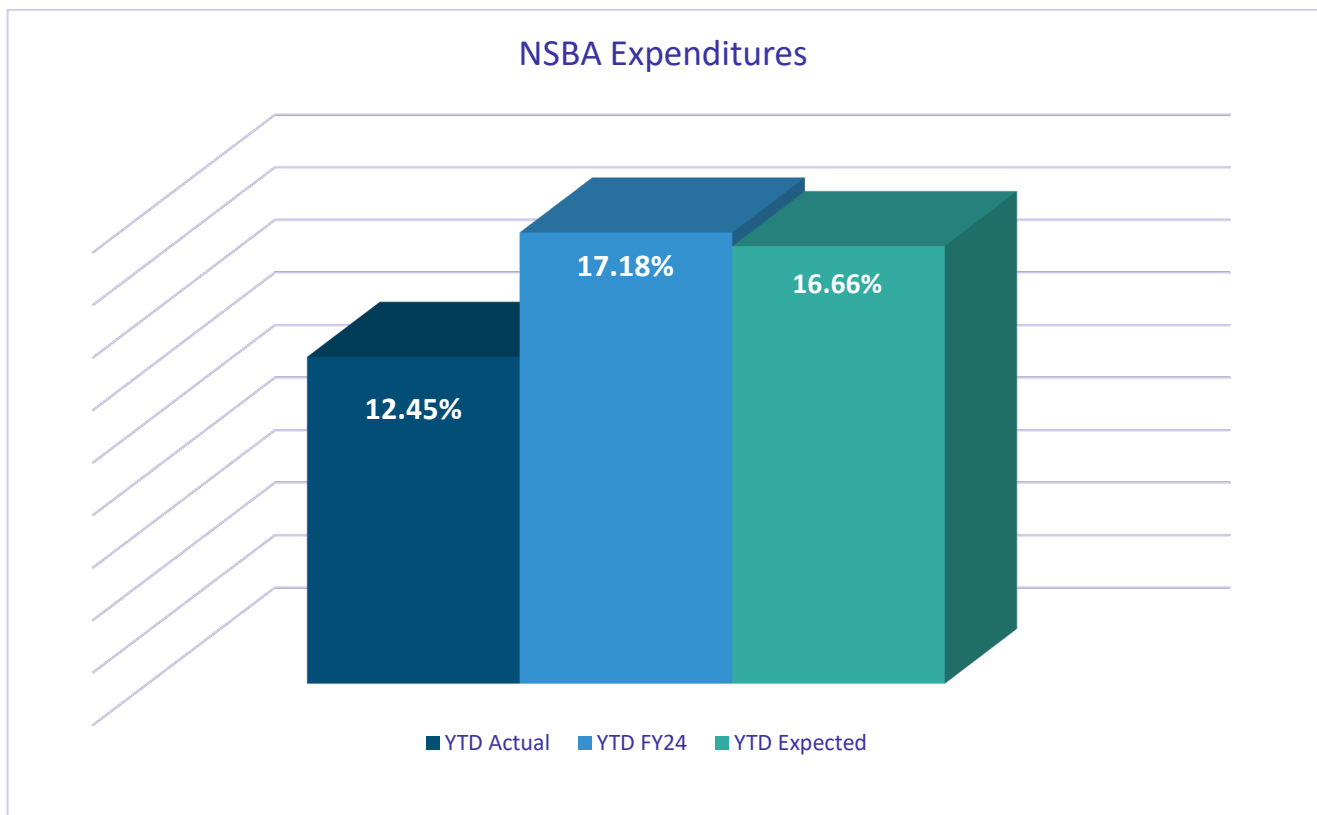
| | ORIGINAL | | | AVAILABLE | PCT |
|--------------------------------------|----------------------|-------------------|--------------|----------------------|--------------|
| | APPROP | ACTUALS | ENCUMBRANCES | BUDGET | USED |
| 6200 4201 Ice Rental-Gladiators | -280,000.00 | 0.00 | 0.00 | -280,000.00 | 0.00% |
| 6200 4202 Ice Rental-Edward Little | -22,500.00 | 0.00 | 0.00 | -22,500.00 | 0.00% |
| 6200 4203 Ice Rental-Red Hornets | -18,500.00 | 0.00 | 0.00 | -18,500.00 | 0.00% |
| 6200 4205 Ice Rental-St Doms (B & G) | -35,000.00 | 0.00 | 0.00 | -35,000.00 | 0.00% |
| 6200 4206 Ice Rental-Poland/Gray NG | -18,500.00 | 0.00 | 0.00 | -18,500.00 | 0.00% |
| 6200 4207 Ice Rental-CMCC | -22,500.00 | 0.00 | 0.00 | -22,500.00 | 0.00% |
| 6200 4208 Ice Rental-SMMHL | -2,000.00 | 0.00 | 0.00 | -2,000.00 | 0.00% |
| 6200 4209 Ice Rental-Adult Leagues | -162,000.00 | -11,280.00 | 0.00 | -150,720.00 | 6.96% |
| 6200 4210 Ice Rental-Youth Other | -33,800.00 | -2,230.00 | 0.00 | -31,570.00 | 6.60% |
| 6200 4211 Ice Rental-HS/MS Other | -28,600.00 | -1,116.00 | 0.00 | -27,484.00 | 3.90% |
| 6200 4215 Freestyle-Figure Skating | -7,500.00 | -150.00 | 0.00 | -7,350.00 | 2.00% |
| 6200 4220 Camps/Clinics | -45,000.00 | -6,860.00 | 0.00 | -38,140.00 | 15.24% |
| 6200 4221 Tournaments | -75,000.00 | 0.00 | 0.00 | -75,000.00 | 0.00% |
| 6200 4222 Birthday Party Rentals | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| 6200 4223 Private Rentals | -30,000.00 | -5,050.00 | 0.00 | -24,950.00 | 16.83% |
| 6200 4224 Public Skate | -25,000.00 | 0.00 | 0.00 | -25,000.00 | 0.00% |
| 6200 4225 Shinny Hockey | -4,000.00 | 0.00 | 0.00 | -4,000.00 | 0.00% |
| 6200 4240 Programs | -20,000.00 | 0.00 | 0.00 | -20,000.00 | 0.00% |
| 6200 4250 Non Ice & Facility Rent | -40,000.00 | -3,041.25 | 0.00 | -36,958.75 | 7.60% |
| 6200 4252 Skate Rentals | -3,000.00 | 0.00 | 0.00 | -3,000.00 | 0.00% |
| 6200 4260 Concession | -21,000.00 | 0.00 | 0.00 | -21,000.00 | 0.00% |
| 6200 4261 Pepsi Vending Machines | -3,000.00 | -498.22 | 0.00 | -2,501.78 | 16.61% |
| 6200 4265 Pro Shop | -7,000.00 | 0.00 | 0.00 | -7,000.00 | 0.00% |
| 6200 4270 Sponsorships | -195,000.00 | -29,250.00 | 0.00 | -165,750.00 | 15.00% |
| 6200 4271 Sign Advertisement | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| 6200 429000 Events | 0.00 | 0.00 | 0.00 | 0.00 | 0.00% |
| TOTAL NSBA Revenues | -1,098,900.00 | -59,475.47 | 0.00 | -1,039,424.53 | 5.41% |

Expenditures:

The operating expenses for Norway Arena through August 2024 were \$91,783 or 12.45% of the budget as compared to 17.18% of actual expenditures through August 2023. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

- Vehicle repairs have exceeded the amount budgeted for the year due to extensive repair and maintenance on the ice resurfacer.

*Graph reflects expenditures for the current year with comparison to expected approximate percentage.



NSBA EXPENDITURES - AUGUST 2024

| | ORIGINAL APPROP | ACTUALS | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|---------------------------------------|--------------------|------------------|------------------|---------------------|---------------|
| 6200 611000 Regular Salaries | 311,032.00 | 56,015.28 | 0.00 | 255,016.72 | 18.01% |
| 6200 612000 Part Time | 60,000.00 | 8,837.81 | 0.00 | 51,162.19 | 14.73% |
| 6200 612008 Programs | 10,000.00 | 462.50 | 0.00 | 9,537.50 | 4.63% |
| 6200 620000 Advertising | 2,000.00 | 0.00 | 0.00 | 2,000.00 | 0.00% |
| 6200 628000 PS - Gen/Professional | 12,000.00 | 0.00 | 0.00 | 12,000.00 | 0.00% |
| 6200 628003 PS - Drug Testing | 400.00 | 0.00 | 0.00 | 400.00 | 0.00% |
| 6200 628014 PS - Solid Waste Disposal | 600.00 | 69.59 | 0.00 | 530.41 | 11.60% |
| 6200 628019 Repairs - Buildings | 50,000.00 | 1,600.08 | 0.00 | 48,399.92 | 3.20% |
| 6200 628020 Repairs - Vehicles | 4,000.00 | 5,623.51 | 0.00 | -1,623.51 | 140.59% |
| 6200 628021 Repairs - Equipment | 4,000.00 | 0.00 | 2,440.00 | 1,560.00 | 61.00% |
| 6200 628051 PS-Cleaning Services | 20,000.00 | 1,330.00 | 18,670.00 | 0.00 | 100.00% |
| 6200 628070 PS-Security | 4,900.00 | 0.00 | 0.00 | 4,900.00 | 0.00% |
| 6200 629000 Training & Tuition | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 0.00% |
| 6200 632000 Dues & Subscriptions | 7,412.00 | 7,500.00 | 1,350.00 | -1,438.00 | 119.40% |
| 6200 633000 Office Supplies | 2,000.00 | 0.00 | 0.00 | 2,000.00 | 0.00% |
| 6200 633001 Operating Supplies | 70,000.00 | 7,392.91 | 7,100.00 | 55,507.09 | 20.70% |
| 6200 633002 ADVERTISITNG SIGNS | 3,000.00 | 8.00 | 0.00 | 2,992.00 | 0.27% |
| 6200 633021 Safety Equipment | 4,000.00 | 40.31 | 0.00 | 3,959.69 | 1.01% |
| 6200 640000 Telephone | 5,000.00 | 610.28 | 0.00 | 4,389.72 | 12.21% |
| 6200 640001 Cable | 2,500.00 | 535.68 | 0.00 | 1,964.32 | 21.43% |
| 6200 641000 Water/Sewer | 46,000.00 | 0.00 | 0.00 | 46,000.00 | 0.00% |
| 6200 641001 Natural Gas | 42,153.00 | 1,662.86 | 0.00 | 40,490.14 | 3.94% |
| 6200 641002 Electricity | 220,000.00 | 0.00 | 0.00 | 220,000.00 | 0.00% |
| 6200 641003 Bottled Gas | 5,000.00 | 93.75 | 0.00 | 4,906.25 | 1.88% |
| 6200 642000 Postage | 150.00 | 0.00 | 0.00 | 150.00 | 0.00% |
| 6200 645000 Insurance Premiums | 43,223.00 | 0.00 | 0.00 | 43,223.00 | 0.00% |
| 6200 650000 Capital Outlay | 40,000.00 | 0.00 | 0.00 | 40,000.00 | 0.00% |
| TOTAL NSBA Expenses | 974,370.00 | 91,782.56 | 29,560.00 | 853,027.44 | 12.45% |

Ingersoll Turf Facility

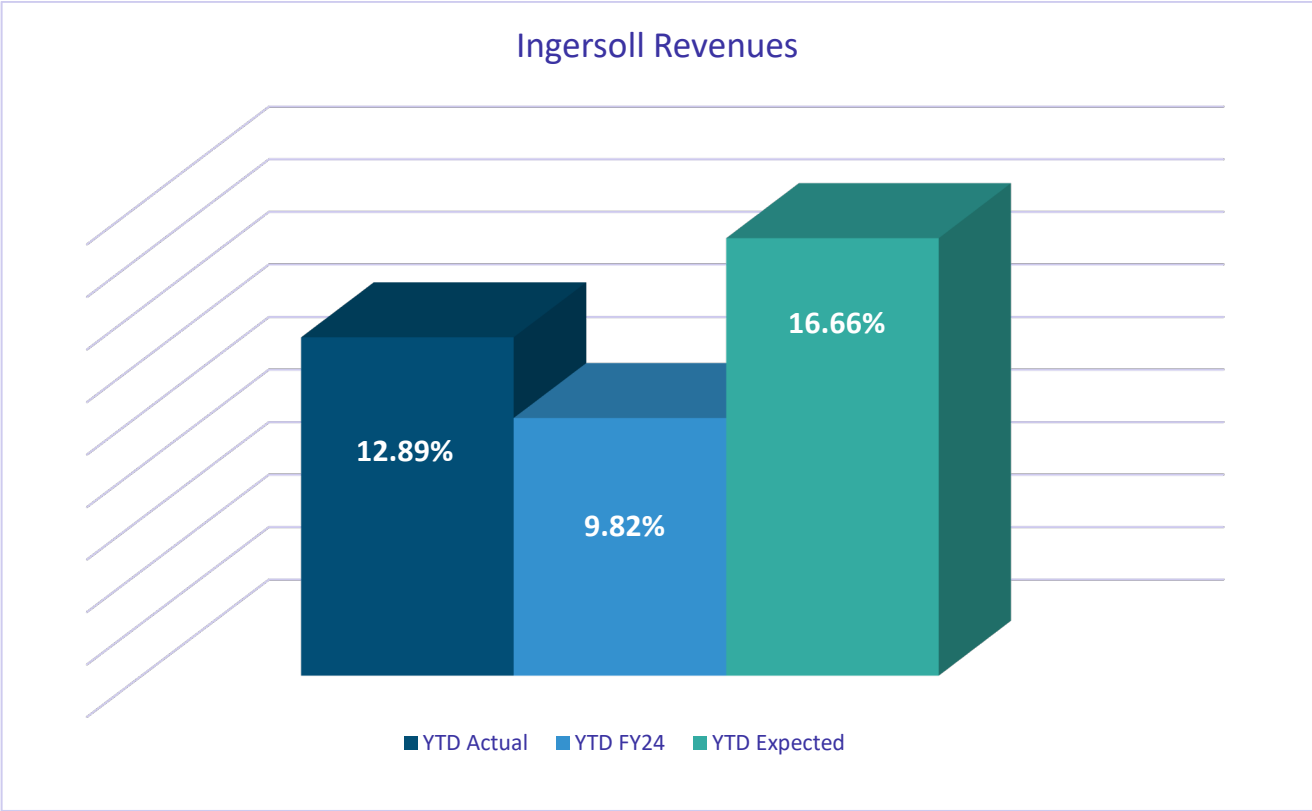
for the Period Ended August 31, 2024

As of August 2024, Ingersoll had an operating gain YTD of \$16,574. Of note, revenue to expenditure comparison is disproportionate as some expenditures are listed under the Recreation department budget, and regular salaries under Public Works.

Revenues:

The operating revenues for Ingersoll through August 2024 are \$17,074 or 12.89% of the budget as compared to 9.82% of actual revenues through August 2023. This revenue comes from sponsorships, programs, rental income, and batting cages.

*Graph reflects revenues for the current year with comparison to expected approximate percentage.



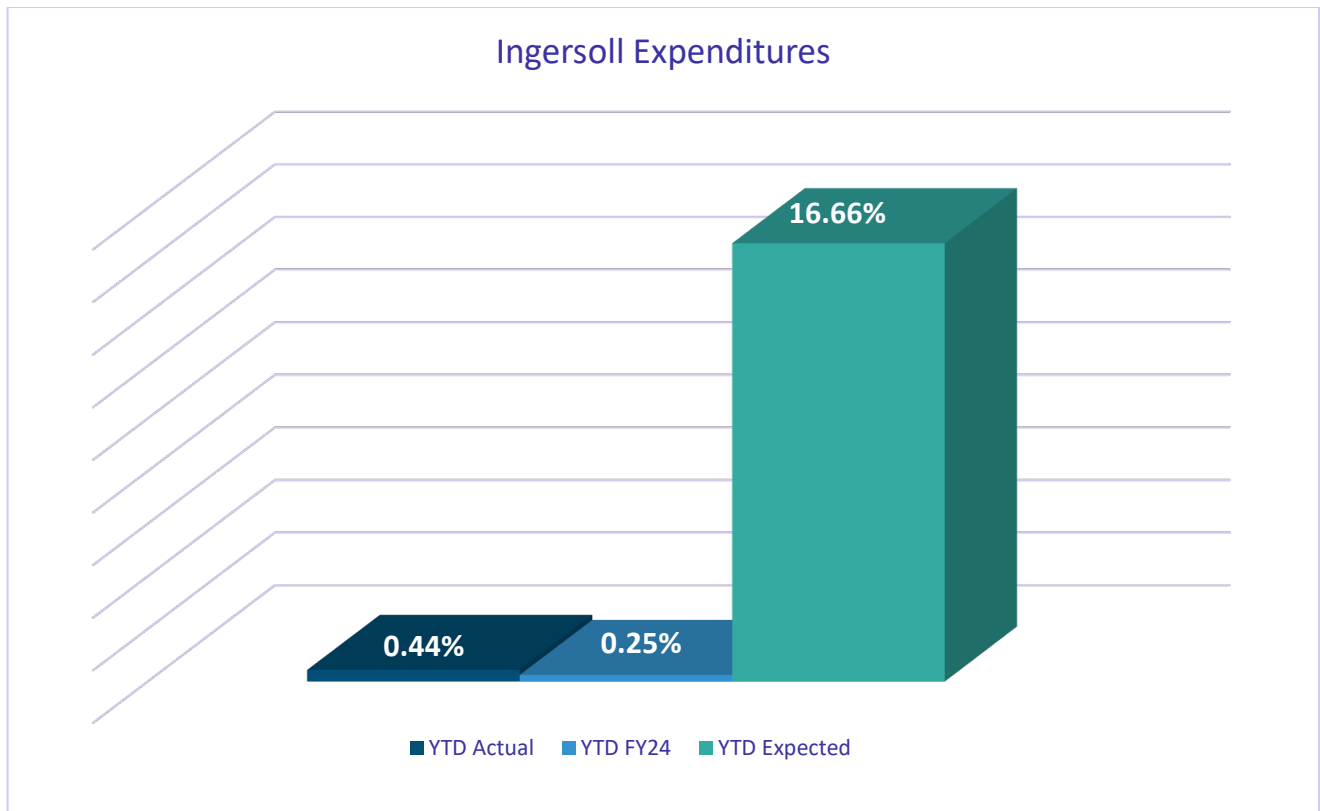
INGERSOLL REVENUES - AUGUST 2024

| | ORIGINAL APPROP | ACTUALS | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|--|--------------------|-------------------|--------------|---------------------|--------------|
| 6100 420070 Sponsorship | -20,000.00 | -1,500.00 | 0.00 | -18,500.00 | 13.33 |
| 6100 420800 Batting Cages | -18,000.00 | -2,585.00 | 0.00 | -15,415.00 | 6.96 |
| 6100 420903 Programs | -42,000.00 | 0.00 | 0.00 | -42,000.00 | 0.00 |
| 6100 420903 TF01 Programs-Adult Co-Ed Soccer | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 6100 420903 TF02 Youth Softball | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 6100 420903 TF03 High School Soccer League | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 6100 420903 TF04 Birthday Parties | 0.00 | -340.00 | 0.00 | 340.00 | 0.00 |
| 6100 420903 TF05 Senior Walking | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 6100 420903 TF06 Sports Clinics | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 6100 422000 Investment Income | 0.00 | -898.66 | 0.00 | 898.66 | 0.00 |
| 6100 429010 Rental Income | -140,000.00 | -11,750.00 | 0.00 | -128,250.00 | 11.91 |
| TOTAL Ingersoll Revenues | -220,000.00 | -17,073.66 | 0.00 | -202,926.34 | 12.89 |

Expenditures:

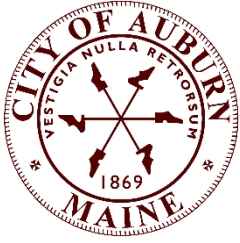
The operating expenses for Ingersoll through August 2024 were \$500 or 0.44% of the budget as compared to 0.25% of actual expenditures through August 2023. These expenses include supplies, repairs, capital purchases and maintenance. Many expenses are now budgeted under Recreation.

*Graph reflects expenditures for the current year with comparison to expected approximate percentage.



INGERSOLL EXPENSES - AUGUST 2024

| | ORIGINAL APPROP | ACTUALS | ENCUMBRANCES | AVAILABLE BUDGET | PCT USED |
|--|--------------------|---------------|--------------|---------------------|--------------|
| 6100 611000 Regular Salaries | 40,000.00 | 0.00 | 0.00 | 40,000.00 | 0.00% |
| 6100 612000 Part Time | 25,000.00 | 135.35 | 0.00 | 24,864.65 | 0.54% |
| 6100 620000 Advertising | 500.00 | 0.00 | 0.00 | 500.00 | 0.00% |
| 6100 628000 PS - Gen/Professional | 5,300.00 | 0.00 | 0.00 | 5,300.00 | 0.00% |
| 6100 628019 Repairs - Buildings | 20,000.00 | 0.00 | 0.00 | 20,000.00 | 0.00% |
| 6100 629000 Training & Tuition | 500.00 | 0.00 | 0.00 | 500.00 | 0.00% |
| 6100 629001 Travel - Mileage Reimbursement | 200.00 | 0.00 | 0.00 | 200.00 | 0.00% |
| 6100 632000 Dues & Subscriptions | 500.00 | 0.00 | 0.00 | 500.00 | 0.00% |
| 6100 633000 Office Supplies | 500.00 | 0.00 | 0.00 | 500.00 | 0.00% |
| 6100 633003 Janitorial Supplies | 2,000.00 | 247.76 | 0.00 | 1,752.24 | 12.39% |
| 6100 633033 Program Expenses | 16,300.00 | 0.00 | 0.00 | 16,300.00 | 0.00% |
| 6100 640000 Telephone | 1,400.00 | 117.02 | 0.00 | 1,282.98 | 8.36% |
| 6100 641005 Diesel | 300.00 | 0.00 | 0.00 | 300.00 | 0.00% |
| 6100 642000 Postage | 50.00 | 0.00 | 0.00 | 50.00 | 0.00% |
| TOTAL Ingersoll Expenses | 112,550.00 | 500.13 | 0.00 | 112,049.87 | 0.44% |



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: November 4, 2024

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (E) to discuss a legal matter.

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

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.