

# LEWISTON CITY COUNCIL SPECIAL MEETING & WORKSHOP AGENDA

**Tuesday, May 14, 2013**

**City Council Chambers**

**6:00 p.m.**

Pledge of Allegiance to the Flag.  
Moment of Silence.

1. Public Hearing for approval of an Outdoor Entertainment Permit for an outdoor music event on city property to be held in conjunction with a neighborhood block party.
2. Discussion of a proposed Smoking Ordinance.
3. Discussion of a possible Disorderly Property Ordinance.
4. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
5. Adjourn.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
MAY 14, 2013  
6:00 P.M.

1. Proposed Smoking Ordinance – 15 minutes

Representatives of Healthy Androscoggin have requested the opportunity to discuss an anti-smoking ordinance that would cover the City's parks. The City's ordinances currently prohibit smoking in playgrounds located within parks. This would extend the ban.

2. Possible Disorderly Property Ordinance – 30 minutes

Mayor Macdonald has requested that the City Council consider a disorderly property ordinance. Such an ordinance, which is in effect in a number of Maine communities, would require that a property owner meet with the Police Chief or his designee to develop a plan to address problems at a property once that property has crossed a pre-established threshold of police calls related to tenant behaviors most likely to spill over and affect other tenants living on the property or on nearby properties. A sample ordinance is attached for your review. The Police Department is currently evaluating changes that would adjust such an ordinance to Lewiston's circumstances. In particular, they are reviewing the number of calls that would trigger the ordinance requirement to meet with the department and a sliding scale that would adjust this figure based on the number of units in the property.

At this point, we simply wish to determine whether the Council would be interested in considering such an ordinance. If so, we will develop more specific language focused on our needs and concerns and begin the process of seeking comments from interested parties to include landlords, tenants, and the Downtown Neighborhood Advisory Committee as well as the general public. Such comment can then be used to determine whether or how to proceed.

3. Executive Session – Land Disposition, Lincoln and Main Streets

# LEWISTON CITY COUNCIL

## MEETING OF MAY 14, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Public Hearing for approval of an Outdoor Entertainment Permit for an outdoor music event on city property to be held in conjunction with a neighborhood block party.

**INFORMATION:**

The Friends of Pettingill are sponsoring a neighborhood block party at the site of the former Pettingill School. The event will take place on Wednesday, May 15 from 6pm - 8pm and will include outdoor music events. Estimated attendance is 200.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Recreation Department, Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*Erin Kimm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To conduct a public hearing on an application from the Friends of Pettingill for an outdoor music event to be held at the site of the former Pettingill School on Wednesday, May 15, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Friends of Pettingill for the outdoor concert, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

Return to Cathy  
in Clark's office

# CITY OF LEWISTON Special Event Application

Applications must be submitted at least 14 days prior to the event, unless an \* appears next to the permit type. \*Application must be turned in 30 days prior to the event due to public hearing requirement.

RECEIVED

Application Date 5/8/2013

MAY - 8 2013

### SPONSOR INFORMATION

LEWISTON  
CITY CLERK'S OFFICE

Name of Sponsoring Organization: Friends of Pettingill

Name of Contact Person for Event: Bill Maraldo (Contact)

Title of Contact Person: Co-chair

Mailing Address: 405 College St.

Daytime Telephone: 795-1386 Cell Phone: 740-4640

Email Address: bill@billstuff.com

Contact Name and Cell Phone Number DURING the Event: Bill Maraldo 740-4640

Is your organization incorporated as a non-profit organization? Yes  No

Non-Profit Number: Under City's Umbrella for fundraising purposes as approved by the city council

### EVENT INFORMATION

Name of Event: Friends of Pettingill Block Party

Type of Event (walk, festival, concert, etc.): Block Party

Date of Event: 5-15-13 (Wed) Rain Date: 5-16-13

Times of Event: Start Time including set-up: 4PM Ending time including clean up: 8:30PM  
Actual Event Start Time: 6PM Actual Event End Time: 8PM

Estimated Attendance: 200

Location of Event: 409 College St. Former Pettingill School

If location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved? Yes  No  Pending

Date request submitted to the Recreation Department: Approved by Maggie Chisholm

**TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:**

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee and permit possible	FOOD – Will food or beverages be sold or given away? If yes, list what types of food or beverages: <i>Popcorn, packaged sweets, bottled water</i> Note - A food service license may be required.	✓		
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, cds, etc.)? If yes, list what items: <i>Possibly some prizes</i> Note- A peddling permit may be required.			✓
\$11	*LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe: <i>Nick Knawton will be playing music</i>	✓		
\$16/day	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	✓		
Separate fee and permit required	ALCOHOLIC BEVERAGES – Will alcoholic beverages be served?		✓	
Separate fee and permit required	*CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.		✓	
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.		✓	
N/A	PARADE – Will there be a parade? If yes, describe route:  Note – A permit from the Police Department is required.		✓	
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:		✓	
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity:  Note - A permit from the Fire Department is required.		✓	
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: <i>Small popcorn canopy</i>	✓		
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list:		✓	
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, etc.? This is a mandatory requirement for this application and must be included with the application form.	✓		

N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? <i>Parking on College, Little, Marble streets, Most will walk to event</i>			
N/A	TOILETS – Please list amount at event and/or nearest location:		✓	
N/A	WASTE DISPOSAL – Please list process and location: <i>Trash barrels, bags, recycling</i>	✓		
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: <i>Hand Sanitizers &amp; paper towels</i>	✓		
N/A	POTABLE WATER – Please list amount at event and location: <i>Applied to Poland Spring bottled water</i>	✓		
N/A	FIRST AID FACILITIES – Please list location at event: <i>Two nurses on duty w/ First Aid</i>	✓		
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to “City of Lewiston”			

**EVENT LIABILITY INSURANCE COVERAGE FOR EVENT**

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage – general liability. The City of Lewiston needs to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received before the event permits can be issued. Please have “City of Lewiston” listed as additionally insured on the Certificate of Insurance (minimum coverage \$1,000,000) and have your insurance company fax a copy to: City Clerk 207-777-4621

DESCRIPTION OF EVENT – Please describe what will occur during your event

*Music, Speeches, Children's games, Lewiston Police representatives presentation*

Signature of Applicant:

*William P. Carmel Mavoldo*

Printed Name:

*William P. Carmel Mavoldo*

Date Submitted:

*5-8-13*

**Please note that you will be contacted by City Staff if you require additional permitting.**

School Complex

Hand top Games  
& Activities

Playground

Trash

Tables

Staging /  
Van

Lawn  
Games

College street

Recommendation to the Lewiston City Council Regarding  
Lewiston Parks and Recreation Tobacco Ordinance May 2013

The Lewiston Auburn Public Health Committee was assembled with a mission to “*create public health partnerships that promote physical and mental health and prevent disease, injury, and disability.*” The LAPHC consists of residents from both cities and representatives from key organizations in the twin cities. These include the two school departments, the two area hospitals, the Maine Center for Disease Control and Prevention, social service organizations, community health coalitions, code enforcement, and law enforcement.

Tobacco use is the number one cause of preventable death in the United States and secondhand smoke contains many harmful chemicals and cancer-causing agents. Approximately 20% of Maine adults are smokers, and here in Androscoggin County nearly 22% of adults smoke. According to recent data from the 2011 Maine Integrated Youth Health Survey (MIYHS), 14.9% of high school students in our county have tried cigarettes and almost 15.4% have tried cigars, cigarillos, or little cigars.

Tobacco policies are one of the most effective and sustainable ways of promoting positive health behavior. Adults and older youth are some of the most influential people in a child’s life and a tobacco-free policy will create an environment where positive, healthy role-modeling for youth will take place. A tobacco-free policy would also reduce the amount of litter on the town fields, as well as prevent possible fire hazards caused by improper disposal of cigarette butts.

In 2009, the City of Lewiston approved a tobacco prohibition ordinance on any city-owned athletic fields during any city or school event and prohibited all tobacco products on all city owned playgrounds, aquatic parks, skateparks and basketball courts. Additionally, the city has had a no-tobacco-use policy in place for years (date of approval is uncertain) prohibiting its use by the public or its employees within 25 feet of any municipal building or in any city structure or vehicle.

Over 80 communities across Maine have policies that meet minimum tobacco-free policy criteria developed by the Partnership for a Tobacco-Free Maine, including Portland, Lisbon, Sabattus and Poland. In Portland, tobacco use is prohibited in all city parks, athletic fields, and playgrounds. In the town of Lisbon, tobacco use is restricted in all town-owned vehicles, and in or at any of the facilities owned, leased, managed or used by the town of Lisbon Recreation Department

Given the tobacco-related health risks and the benefits of limiting litter and fire hazards, by prohibiting tobacco use we recommend:

- The City of Lewiston’s Parks and Recreation Department should adopt a tobacco-free policy for all city owned athletic fields, parks, playgrounds, trails and beaches at all times.
  - o This policy will increase health protections for park users, including youth.
  - o This policy will make Lewiston a more attractive destination to tourists and other visitors because of the tobacco free environments and the cleaner appearance of our public spaces.

- o The policy should include wording restricting the use of any tobacco product, including but not limited to: cigarettes, cigars, and all smokeless tobacco products and electronic nicotine delivery devices.
- The LAPHC would like the policy to focus on good health and quality of life rather than targeting tobacco users.
- The LAPHC would like to see a strong educational component to the policy. The policy would encourage the inclusion of service providers in the tobacco education effort rather than act as a penalty for anyone who violates the ordinance. For instance, the policy could include a one-year penalty grace period where violators are provided with educational materials rather than a fine. This example would also maintain good community relations and reduce the number tobacco users who feel that they are being targeted by this policy as a way for the city to generate revenue.
  - o Healthy Androscoggin can provide free materials which can be used for educating the public about the policy, such as tobacco-free exterior signs and talking point cards to explain the policy and quitting resources (please see attached examples). Healthy Androscoggin would also be available to do presentations about the policy, the dangers of secondhand smoke and quitting resources.
- The LAPHC is sensitive to vulnerable populations who are more likely to use tobacco, which is a serious addiction.

Examples of free materials to educate people about the new tobacco-free parks and recreational area ordinance:

- Tobacco-Free Area metal sign (16"x26"):



- Tobacco-Free Area talking point cards (business card size):



“Lewiston Auburn Public Health Committee Recommendations”

AN ORDINANCE PERTAINING TO PARKS AND RECREATION

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter XX of the Code of Ordinances of the City of Lewiston, Maine are hereby amended as follows:

CHAPTER XX

Parks, Recreation, and Cultural Affairs

34 – XX. Tobacco.

(a) No person shall use tobacco on city-owned athletic fields, city-owned parks, city-owned playgrounds, city-owned trails and city-owned beaches.

- i. The City of Lewiston specifically restricts the use of any tobacco product, including, but not limited to: cigarettes, cigars, and all smokeless tobacco products and electronic nicotine delivery devices.

(b) Tobacco use on all school grounds is prohibited by state law at all times.

(c) Tobacco use at city-owned indoor facilities and outside exterior at least 20 feet from entryways, windows, vents and doorways, and not in any location that allows smoke to circulate back into the building is prohibited by state law at all times.

Notifications:

The park and recreation staff or their representatives will have the authority to notify offenders about the policy and have the authority to ask persons to leave if uncooperative. Notifications will follow the norms and procedures of other ordinances. The park and recreation department shall place signs at the beginning and end point of any city trail as well as in such other locations that the parks and recreation department deems necessary to notify the public of this ordinance. There will be three months of educational period before the ordinance is put into effect.

Enforcement/Penalties:

There will be a one-year grace period for any person who violates the ordinance. After one-year any person who violates any provision of this article shall be guilty of an infraction, punishable by the following fine schedule and said fines shall be recovered for use by the City:

1. A fine of \$50.00 for a first violation
2. A fine of \$100.00 for a second violation of this article within one year.
3. A fine of \$150.00 for each additional violation of this article within one year.



**MPHA 2012/2013  
Board of Directors**

*Denise Bisailon, EdD  
President*

*Lisa Harvey-McPherson  
RN, MBA, MPPM  
Past President*

*Julie Mulkern  
Treasurer*

*Bill Flagg  
Secretary*

*Anne Connors, MA*

*Jamie Comstock*

*Kala Ladenheim, PhD,  
MSPH*

*Doug Michael, MPH*

*Emily Rines  
MPH, MCHES*

*Bethany Sanborn  
MPH, MCHES*

*Darcy Sbargo, MFA*

*Stephen Sears, MD, MPH*

*Meredith Strang Burgess*

*Cheryl Tucker*

*Angela Westhoff, MA*

*Edmund Claxton, MD  
Physician Advisor*

*Tina Pettingill, MPH  
Executive Director*

April 5, 2013

Dear Mayor MacDonald and members of the Lewiston City Council:

My name is Tina Pettingill, the Executive Director of the Maine Public Health Association (MPHA). We are an organization which represents 400 public health professionals and students across the State committed to creating an environment which sustains and improves the health and well-being of Maine residents. Our diverse membership has a common interest in the promotion and protection of the public's health. I am writing today on behalf of our members to urge you to adopt a 100% tobacco-free outdoor spaces ordinance for all public parks, trails and beaches in Lewiston.

Reliable and credible sources such as our nation's highest medical official, the U.S. Surgeon General, as well as Stanford University researchers and Repace & Associates have published reports warning about the dangers of secondhand smoke in outdoor settings. **This research proves that drifting secondhand smoke can indeed pose a significant health risk for nonsmokers sitting or standing near smokers outdoors.** Conclusions from researchers include that smokers need to be at least 20 feet away from non-smokers in order to avoid concentrations of secondhand smoke and that contaminant levels can be as high in outdoor settings as in indoor settings. This is revealing and enlightening information as we know that there is no safe level of exposure to secondhand smoke- a toxin that is more deadly than arsenic, asbestos or lead.

The reason this type of policy change works is simple- this is what the vast majority of Maine people want. **Surveys consistently demonstrate that over 75% of Mainers support tobacco-free environments including restaurants, bars, homes, workplaces, parks and beaches.**

In addition to Maine people wanting this type policy, tobacco-free parks ordinances have proven to be self-enforcing. The University of Minnesota did a large-scale survey of 257 parks directors that had smoke-free policies in 2004 and found that:

- 74% reported no problems with policy violators;
- 88% reported no changes in park usage and for those reporting a change in park use following the policy, 71% reported an increase in usage;
- In addition, 58% of park directors reported less litter in park areas.

This same study reveals that enforcement was an area of worry for nearly all park directors without a policy. However, in communities with a policy, few park directors

actually experienced compliance problems and **99% of park directors with policies would recommend such a policy to other communities.**

Successful implementation of this type of ordinance relies on everyone working together. Education, signage and community and patron awareness are the keys to success, as is the passage of an ordinance itself. When people understand that an ordinance is in place, via signage and community messaging, compliance rates are high. In cases where they don't comply, The American Lung Association of California reminds us that "part of what makes these laws self-enforcing is that they are enforceable if needed. They are real laws with penalties and consequences for violation."

On behalf of the Board, staff, 400 members of the Maine Public Health Association and the more than 80% of Lewiston residents who do not use tobacco, I thank you for your thoughtful consideration of a tobacco-free outdoor spaces ordinance. This ordinance will protect our parks, people, pets and wildlife; it will be self-enforcing and put Lewiston in line with State parks, beaches and historical sites... a win-win for everyone involved.

Feel free to contact me with any questions at [mainepha@gmail.com](mailto:mainepha@gmail.com) or 730.1040. Thank you for your time.



Kristina Pettingill, MPH  
Executive Director



Dear Lewiston Mayor and City Council Members,

Thank you for considering a tobacco-free ordinance for your parks and recreational areas. Tobacco use continues to be the leading cause of preventable disease and death and the US Surgeon General has repeatedly stated that there is no risk-free level of exposure to secondhand tobacco smoke. Ordinances and that restrict tobacco use in outdoor settings are quickly becoming the norm across Maine and the Nation as they create safer and healthier municipal environments.

Tobacco-free ordinances do not require anyone to quit using tobacco products, simply to refrain from use in the parks. Secondhand smoke poses a significant health risk in outdoor settings. Research finds that smoking within 20-feet of nonsmokers can cause harmful levels of exposure that can be as high outside as they are inside. Children, those with cardiovascular health and breathing issues, and the elderly are especially vulnerable to the effects of secondhand smoke. This ordinance will ensure that those members of the community are able to enjoy Lewiston's recreational areas without concern for secondhand smoke.

Similarly implemented ordinances have repeatedly shown that these policies are largely self-enforcing. The majority of Maine residents do not smoke and 90 of Maine adults believe that people should be protected from secondhand smoke. Maine has laws prohibiting smoking in indoor workplaces, public places, state parks and beaches and other locations, this ordinance would put Lewiston parks and recreational sites in line with other environments where the public is protected from these harmful toxins. Since tobacco-free areas are becoming ever more present in Maine, high compliance can be expected for this ordinance with adequate signage and education.

Adopting a tobacco-free parks and recreational areas ordinance will reduce exposure to secondhand smoke, support those who are trying to quit, reduce tobacco related litter and help to change the social norm around tobacco use.

Sincerely,

Sarah A. Mayberry, Program Director  
Breathe Easy Coalition of Maine

May 2, 2013

Dear Council Members:

I am writing this letter in support of the ordinance proposed by the Lewiston Auburn Public Health Committee that all city owned parks, trails, beaches, etc., become tobacco free.

Growing up everyone smoked around me. Surprising enough it didn't give me any long term damage, but on the flip side, I became a smoker at the age of 14 maybe 13 regardless I was a smoker. As a teenager I didn't care who was around me. It was my right. Before I started smoking myself, I was PETRIFIED to tell my family not to smoke around me.

With that being said I remember thinking how angry I was when prohibiting smoking in restaurants. By this time my Mom knew I was smoking and neither of us would enter a restaurant if it was smoke free. Not long after, we both realized a smoke-free environment was a much nicer.

Fourteen years ago my Mom died at the age of 49 to a tobacco related illness. This was a harsh realization of what it was doing to me. Twelve years ago I quit and started being a role model for others who quit. I was hoping to make a difference in others lives.

My life was blessed eight years ago with my daughter Carolyn. She is fortunate that she has never has to be around a bunch of smokers unless we are in town at the festivals. My question each time we are out at events is why should she have to deal with secondhand smoke; especially, the damage it can cause? So please consider making this city a safer and healthier place to raise my daughter.

The time is now to make the next move and put the City of Lewiston on the map.

Keith Pray & Carolyn Pray  
Lewiston Residents

*JENNIFER WILLEY*  
*23 BONNAILLE AVENUE*  
*LEWISTON, MAINE 04240*

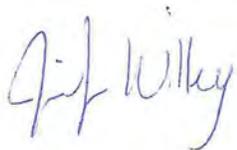
April 17, 2013

Dear Mayor and City Council Members,

Thank you for taking time to consider implementing a policy to restrict smoking on city owned recreation areas. I doubt any of you can argue that we all need a healthier environment in which to live. Having a community strive toward a lifestyle with no smoking, increased physical activity and better nutrition is every town and cities' goal across the US. Now you have the power to help. Policy enforcement is a known factor in creating lasting change. As more and more citizens look for activity at our local parks, playgrounds and trails, we must provide them with a clean environment, free of smoke. It's a "no-brainer"!!

Lewiston is in the process of total revitalization. This ordinance will add to the quality of our community as more people get out and enjoy this great city!

Thank you for your support and for your public service,

A handwritten signature in blue ink that reads "Jennifer Willey". The signature is written in a cursive style with a small dot above the 'i' in "Willey".

Jennifer Willey

Lewiston Resident for 29 years

**CITY OF ROCKLAND, MAINE**

**DISORDERLY PROPERTY ORDINANCE**

## ARTICLE VII Disorderly Properties (Eff: 03/13/13)

### Sec. 12-701 Purpose; Findings.

The purpose of this Disorderly Property Ordinance is to protect the health, safety, and welfare of the residents of the City of Rockland by reducing the recurrence of disorderly conduct in dwellings that disturbs the peace and tranquility of others. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance, because such conduct adversely affects the health, safety, and welfare of citizens, and diminishes the quality of life in neighborhoods where it occurs. Such disorderly conduct, and its impact, should be abated. This Disorderly Property Ordinance is required because other prohibitions and penalties under state law and the City's code of ordinances have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this ordinance and its occasional amendment is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the City's Police Department.

### Sec. 12-702 Definitions.

"Disorderly conduct" is any conduct that would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are annoying outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; the arrest and conviction of tenants or their invitees for activities which constitute either a crime or civil infraction under either state or local law; other similar activities in the building or outside the building itself; or other conduct proscribed pursuant to 17-A M.R.S. § 501-A.

A "disorderly property" is any property on which there is located a building that houses one or more dwelling units, or any bed and breakfast establishment, hotel, motel, lodging or rooming house or other structure that provides residential accommodations, at which property the police have found to have occurred, on five (5) or more occasions in any sixty (60) day period, or ten (10) or more occasions in the preceding year, that the owner, a tenant, or a tenants' co-habitees, guests or invitees, or other occupants have engaged in disorderly conduct.

### Sec. 12-703 Disorderly Properties Prohibited.

1. No person who has engaged in conduct that, in whole or in part, resulted in the Police Chief's designation of a property as a disorderly property shall continue to occupy as owner-occupant, or be allowed by the owner to occupy, such disorderly property.
2. The Police Chief shall have sole discretion in determining whether conduct is disorderly for the purposes of this ordinance, and whether a building constitutes a disorderly property..

### Sec. 12-704 Administration; Notice.

1. The Police Department shall document and monitor the recurrence of disorderly conduct at residential buildings in the City.
2. Whenever there have been three (3) or more occurrences of disorderly conduct at a residential property in any sixty (60) day period, or ten (10) or more occurrences of disorderly conduct in the preceding year, the police department, or any other agent designated by the City Manager (hereinafter referred to as the "City") may notify an owner of such property of the circumstances of the said disorderly conduct, and the identity(ies) of its perpetrators, if known.
3. Whenever the Police Chief has declared a building to be a disorderly property, the City shall cause an owner of the property to be notified, in writing, of such declaration and of the events which form the basis for that designation. The notice shall

require the owner to meet with representatives of the City, including the Police Chief or his designee(s) within five (5) business days from the date of the written notification to identify ways in which the problems which have been identified will be eliminated.

4. The notice(s) authorized or required herein shall be effective and deemed delivered upon the date such notice(s) are either (A) placed in the U.S. Mail as registered mail, return receipt requested, or (B) served in hand by a Rockland police officer or other person authorized to effect service of process, in conformance with the procedures for personal service set forth in Maine Rule of Civil Procedure 4(d). Service of notice on one owner shall be deemed to constitute notice to all owners.

5. At the time of the disorderly property meeting required under Subsection 12-704(3), the owner shall be obligated to provide to the city the following documentation:

1. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property and the units they occupy;
2. Copies of all leases with tenants residing in the building(s) on the property; and
3. Contracts with any property manager or other person responsible for the orderly operation of the property;

In addition, the owner will agree to take effective measures to address the disorderly property, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the City and shall be implemented within one (1) week of said meeting unless another date is agreed upon. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this code, and the City may file a complaint in the district court seeking all compensatory and equitable relief permitted by law.

If the same property should be classified as a disorderly property on a subsequent occasion, then the city is under no obligation to meet with the owner but may post the building(s) on the property or any units therein prohibiting occupancy, and/or proceed directly with a complaint to the district court seeking all compensatory and equitable relief permitted by law.

#### **Sec. 12-705 Enforcement**

If the owner (a) refuses to agree to take effective measures to address the disorderly property, (b) takes ineffective measures to address the disorderly property as determined by the City, (c) fails to implement the agreement reached with the City to address the disorderly property, or (d) if, in the discretion of the city, the disorderly property requires immediate posting, the City may post the building against occupancy, and/or may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to state and local laws. The first violation of this ordinance will result in a \$100 fine being imposed against the owner. The second and all subsequent violations will result in a maximum fine of \$500.

#### **Sec. 12-706 Cost of service for responses to disorderly properties**

1. Whenever the police department is required to respond to a situation at a disorderly property, which constitutes the sixth (6th) or greater response in any one-hundred eighty (180) day period, the owner of the disorderly property shall pay the cost of service for each such response as follows: for each such response for service the owner shall pay seventy-five (\$75.00) dollars which shall be in addition to any penalty to which the owner may be subject. Charges which become payable hereunder shall be treated as liens on the property in question.

2. Failure to pay the cost of service within thirty (30) days after demand therefor shall subject the owner to a fine not less than seventy-five (\$75.00) dollars nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

**LEWISTON CITY COUNCIL**  
**MEETING OF MAY 14, 2013**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.