

LEWISTON CITY COUNCIL
SPECIAL MEETING AND WORKSHOP AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
TUESDAY, MAY 24, 2016

6:00 p.m. Special Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

SPECIAL MEETING

1. Resolve Approving the FY17 Budget for the Lewiston School Department.
2. Approval of Election Warrant calling for the Special Municipal Election to be held on Tuesday, June 14, 2016 for a municipal election for new school construction and the school budget and Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the State Candidate Primary Election and Special Municipal Election to be held on Tuesday, June 14, 2016.
3. Resolve urging Lewiston's voters to support the construction of a new elementary school in Franklin Pasture to include Local Share for a full-size gymnasium, air conditioning, and athletic fields.
- * 4. Resolve designating City Administrator Ed Barrett as the City of Lewiston's Alternate Representative to any meetings of the communities participating in the current legal action against Androscoggin County.

WORKSHOP

Discussion on Proposed Ordinance Change on Keeping Chickens

EXECUTIVE SESSIONS

- ES-1 Executive Session to discuss labor negotiations regarding the city's six employee unions.
- ES-2 Executive Session to discuss Property Disposition issue regarding Contract Negotiations.

LEWISTON CITY COUNCIL
MEETING OF MAY 24, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Resolve Approving the FY17 Budget for the Lewiston School Department.

INFORMATION:

The Council is asked to consider approval of the revised school budget. The School Committee is meeting on May 23 for final action on the school budget.

This Council action would approve the School Committee budget which will then go the School Budget Validation Referendum Election scheduled for Tuesday, June 14.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/BK/mm

REQUESTED ACTION:

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To approve the Resolve approving the FY17 Budget for the Lewiston School Department.



COUNCIL RESOLVE

Resolve, Approving the FY17 Budget for the Lewiston School Department

Whereas, pursuant to the City Charter, the Lewiston School Committee prepared and approved a FY17 budget for the Lewiston School Department and has submitted that budget to the City Council; and

Whereas, subsequent to the receipt of this budget, the School Committee and the City Council have met to discuss and review it; and

Whereas, as proposed, the School budget met the local share property tax commitment required by state law and includes an additional local share appropriation of \$192,000 to fund a new library aid position and to provide funding should higher than anticipated school enrollment or special education costs occur; and

Whereas, the City Council subsequently approved a school budget that did not include the \$192,000 in excess of the required local share requested by the School Committee; and

Whereas, the proposed budget failed to gain approval at the school budget validation election of May 10, 2016; and

Whereas, the School Committee has now submitted a modified budget for Council consideration; and

Whereas, the City Council must approve the total amount of the School Budget before it can be presented to the voters in a school budget ratification election scheduled for June 14, 2016;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Fiscal Year 17 budget approved by the Lewiston School Committee as outlined and detailed on the attached Lewiston School Department Budget Articles is hereby adopted, subject to approval of the voters of the City of Lewiston at a budget validation referendum.

May 18, 2016

To: Lewiston City Council

From: Bill Webster, Superintendent

Re: Proposed Revised School Budget for 2016-17

A revised school budget will be considered by the Lewiston School Committee at its Monday night, May 23rd, meeting. If approved by the Committee, the Council will be asked to consider the same on Tuesday, May 24th. If the Committee adopts a revision from what is presented herein, we will prepare the amended article(s) and deliver it to Ed Barrett, City Administrator, first thing Tuesday morning.

Enclosed are the following attachments:

1. Proposed Budget Articles for City Council action
2. Draft Notice of Cost Center Summary for the Amended Budget Validation Referendum to be signed by the Superintendent upon Council approval and used by Kathy Montejo, City Clerk for posting at each voting place; and
3. 2-page 2016-17 Draft Budget Report.

The above items reflect the following changes from the budget previously approved by the City Council.

- **Article 3 – Total School Operating Budget Article** has been reduced by \$19,000 reflecting the net of the two items below, which will result in a carryover of \$19,000 to fiscal 2017-18.
 - a. \$36,000 reduction to reflect the elimination of the summer school budget for Longley (\$31,000) and Martel (\$5,000) as those expenditures are now covered by the new 21st Century Grant received in mid-May.
 - b. \$17,000 to reflect an additional educational technician library position.

The City Administrator will draft the exact form of the needed action by the City Council as well as what is required to set June 14, 2016 as the date for the Amended Budget Validation Referendum.

Thank you for your consideration, and I will be in attendance Tuesday night to answer any questions that the Council may have.

REVENUE ARTICLES:

1. To see what sum the City will appropriate for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$64,072,032) and to see what sum the City will raise as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, §15688.

Statutory Recommendation \$18,062,599

School Committee Recommendation \$18,062,599

Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars. Note: Per PL2009, Chapter 571, the amount recommended by the school committee as the required local share for the FY2016-2017 budget may be no less than 100.0% of the Title 20-A, Section 15688 amount, in order to receive the full amount of State subsidy.

2. To appropriate the sum of \$1,035,459 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.

3. To raise and appropriate the sum of \$0 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, section 15690.

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

TOTAL SCHOOL OPERATING BUDGET ARTICLE:

4. To authorize the Lewiston School Committee to expend the sum of **\$68,116,021** for the fiscal year beginning July 1, 2016 and ending June 30, 2017 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

OTHER REVENUES

5. To authorize the Lewiston School Committee to expend additional State, Federal and other funds received during the fiscal year 2016-2017 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.

To authorize the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

<u>CATEGORY</u>	<u>ESTIMATED AMOUNT</u>
Title I A Disadvantaged	\$2,448,000
Title IIA Teacher Quality	\$ 335,000
Title III ELL	\$ 147,000
Local Entitlement, Part 1 School Age and Part 2, Preschool Age	\$1,491,000
Carl D. Perkins Vocational and Applied Technology Education Act of 1990	\$ 220,000
Title I - School Improvement	\$ 543,000
21 st Century Learners	\$ 129,000
Adult Basic Education	\$ 100,000
Adult Ed Civics Grant	<u>\$ 38,000</u>
	\$5,451,000

ADULT EDUCATION:

6. To appropriate the sum of **\$677,122** for adult education for the fiscal year beginning July 1, 2016, and ending June 30, 2017, and to raise the sum of \$440,862 as the local share for adult education, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

NOTICE OF AMOUNTS APPROVED AT LEWISTON CITY COUNCIL MEETING FOR VOTERS AT LEWISTON SCHOOL AMENDED BUDGET VALIDATION REFERENDUM

To: Lewiston City Clerk

Pursuant to 20-A M.R.S.A. §§1486(2) and 2307, this Notice is to be displayed at all polling places for the school budget validation referendum to be held on June 14, 2016, to assist the voters in voting on whether to ratify the school budget approved at the May 24, 2016, Lewiston City Council meeting.

Cost Center Summary Budget Category	Amount Recommended by Lewiston School Committee	Amount Approved at the Lewiston City Council Meeting on April 28, 2016
Regular Instruction	\$24,293,078	\$24,293,078
Special Education	\$17,987,121	\$17,987,121
Career & Technical Education	\$3,119,963	\$3,119,963
Other Instruction	\$1,036,108	\$1,036,108
Student and Staff Support	\$4,054,985	\$4,054,985
System Administration	\$1,314,779	\$1,314,779
School Administration	\$2,736,440	\$2,736,440
Transportation and Buses	\$3,768,211	\$3,768,211
Facilities Maintenance	\$6,482,744	\$6,482,744
Debt Service & Other Commitments	\$3,306,592	\$3,306,592
All Other Expenditures	\$16,000	\$16,000
Summary of Total Authorized Expenditures:	\$68,116,021	\$68,116,021

Completed and signed at the direction of the Lewiston School Committee

By: _____ Date: _____
William Webster, Superintendent of Schools

A true copy of the Notice, attest: _____
Kathleen M. Montejo, Clerk
City of Lewiston

LEWISTON SCHOOL DEPARTMENT BUDGET ARTICLES

EXPENDITURE ARTICLES:

1. To authorize the Lewiston School Committee to expend \$24,293,078 for Regular Instruction for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
2. To authorize the Lewiston School Committee to expend \$17,987,121 for Special Education for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
3. To authorize the Lewiston School Committee to expend \$3,119,963 for Career and Technical Education for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
4. To authorize the Lewiston School Committee to expend \$1,036,108 for Other Instruction, including Summer School and Extracurricular Instruction for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
5. To authorize the Lewiston School Committee to expend \$4,054,985 for Student and Staff Support for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
6. To authorize the Lewiston School Committee to expend \$1,314,779 for System Administration for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
7. To authorize the Lewiston School Committee to expend \$2,736,440 for School Administration for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
8. To authorize the Lewiston School Committee to expend \$3,768,211 Transportation and Buses for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
9. To authorize the Lewiston School Committee to expend \$6,482,744 for Facilities Maintenance for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
10. To authorize the Lewiston School Committee to expend \$3,306,592 for Debt Service and Other Commitments for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
11. To authorize the Lewiston School Committee to expend \$16,000 for All Other Expenditures for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

REVENUE ARTICLES:

12. To see what sum the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$64,072,032) and to see what sum the City will raise as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, §15688.

Statutory Recommendation \$18,062,599

School Committee Recommendation \$18,062,599

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

Note: Per PL2009, Chapter 571, the amount recommended by the school committee as the required local share for the FY2016-2017 budget may be no less than 100.0% of the Title 20-A, Section 15688 amount, in order to receive the full amount of State subsidy.

13. To appropriate the sum of \$1,035,459 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12. *Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.*

14. To raise and appropriate the sum of \$0 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, section 15690.

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

TOTAL SCHOOL OPERATING BUDGET ARTICLE:

15. To authorize the Lewiston School Committee to expend the sum of \$68,116,021 for the fiscal year beginning July 1, 2016 and ending June 30, 2017 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

OTHER REVENUES

- 16. To authorize the Lewiston School Committee to expend additional State, Federal and other funds received during the fiscal year 2016-2017 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.
- 17. To authorize the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

<u>CATEGORY</u>	<u>ESTIMATED AMOUNT</u>
Title I A Disadvantaged	\$2,448,000
Title IIA Teacher Quality	\$ 335,000
Title III ELL	\$ 147,000
Local Entitlement, Part 1 School Age and Part 2, Preschool Age	\$1,491,000
Carl D. Perkins Vocational and Applied Technology Education Act of 1990	\$ 220,000
Title I - School Improvement	\$ 543,000
21 st Century Learners	\$ 129,000
Adult Basic Education	\$ 100,000
Adult Ed Civics Grant	<u>\$ 38,000</u>
	<u>\$5,451,000</u>

ADULT EDUCATION:

- 18. To appropriate the sum of \$677,122 for adult education for the fiscal year beginning July 1, 2016, and ending June 30, 2017, and to raise the sum of \$440,862 as the local share for adult education, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

LEWISTON CITY COUNCIL

MEETING OF MAY 24, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Approval of Election Warrant calling for the Special Municipal Election to be held on Tuesday, June 14, 2016 for a municipal election for new school construction and the school budget and Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the State Candidate Primary Election and the Special Municipal Election to be held on Tuesday, June 14, 2016.

INFORMATION:

Under the Maine State Statutes, the municipal officers shall issue an election warrant calling for a municipal election. The City Clerk will be conducting a special city election on June 14, 2016 for the purpose of the proposed construction of a new elementary school and adoption of the school budget.

Recommendations on election related issues:

- A. That the hours for acceptance of registrations in person only, prior to the June 14th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, May 25 through June 13, 2016.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, expect the day prior to the election when they shall be recorded in accordance with subsec. 7A.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 8:00am, 2:00pm, 6:00pm, and any and all remaining shall be processed at 8:00pm, if necessary.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, June 14, 2016 for the purposes of the proposed construction of a new elementary school and adoption of the school budget; and

To approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Referendum and State Candidate Primary Election to be held on Tuesday, June 14, 2016:

- A. That the hours for acceptance of registrations in person only, prior to the June 14th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, May 25 through June 13, 2016.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, expect the day prior to the election when they shall be recorded in accordance with subsec. 7A.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 8:00am, 2:00pm, 6:00pm, and any and all remaining shall be processed at 8:00pm, if necessary.

WARRANT FOR SPECIAL MUNICIPAL ELECTION
CITY OF LEWISTON

County of Androscoggin, SS.

To Michael Bussiere, a constable of Lewiston, Maine: You are hereby required in the name of the State of Maine to notify the voters of the City of Lewiston of the election described in this warrant.

To all voters of the City of Lewiston: You are hereby notified that a Special Municipal Election in this municipality will be held on Tuesday, June 14, 2016, at your respective voting place:

Ward 1 Lewiston Armory, 65 Central Ave.

Ward 2 Montello School Gym, 407 East Ave.

Ward 3 Lewiston Armory, 65 Central Ave.

Ward 4 Longley Elementary School, 145 Birch St.

Ward 5 Longley Elementary School, 145 Birch St.

Ward 6 The Green Ladle - LHS Campus, 156 East Ave.

Ward 7 Longley Elementary School, 145 Birch St.

Said election being held for the purpose of voting on the New Elementary School Construction Referendum and the School Budget Validation Referendum:

School Construction Ballot Question One:

“Shall the City of Lewiston, through its school department, be authorized to construct and equip a new elementary school on the real estate described below (the “Project”), and shall the Lewiston City Council be authorized to issue general obligation bonds for that purpose in an amount not to exceed \$49,749,244, and to fund the balance of Project costs with \$474,000 from public improvement bonds previously approved by the City Council for athletic field improvements, \$270,000 previously approved by the City Council for purchase of real estate at Drouin Field for relocation of athletic fields, and \$291,000 from grants and donations from the Franklin Pasture Trustees?”

School Construction Ballot Question Two:

“If the Elementary School Project described in Question 1 is approved, shall the Lewiston City Council be authorized to issue additional general obligation bonds and notes therefore in an amount not to exceed \$2,151,360 to (1) expand the capacity of the gymnasium to regulation size for the Project, (2) fully air condition the building to allow the Project to be utilized for summer school programs for residents throughout the City; and (3) install an artificial turf surface on the baseball/field hockey field that will be relocated as part of the Project?”

School Budget Ballot Question One:

“Do you favor approving the Lewiston School Department’s budget for the upcoming school year that was adopted by the Lewiston City Council?”

School Budget Ballot Question Two - Non-Binding:

“I find the school budget for the upcoming school year that was adopted by the City Council to be:
1) Too High; 2) Acceptable; 3) Too Low”

The polls shall be opened at 7:00 a.m. and closed at 8:00 p.m.. Absentee ballots will be processed at the polls at 7:00 A.M., 2:00 P.M, 6:00 P.M., and 8:00 P.M., if necessary.

Dated at Lewiston, Maine on May 24, 2016.

_____	_____
_____	_____
_____	_____
_____	_____

ATTEST: _____
Kathleen M. Montejo, MMC
City Clerk

LEWISTON CITY COUNCIL

MEETING OF MAY 24, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Resolve urging Lewiston's voters to support the construction of a new elementary school in Franklin Pasture to include the additional Local Share for a full-size gymnasium, air conditioning, and athletic fields.

INFORMATION:

Councilor Bouchard has served on the Building Committee for the new elementary school as a representative of the City Council and has asked that the City Council consider adopting a resolve in support of this project prior to the referendum election on the new school that will be held on June 14th. The attached Resolve urges the voters of the City to support the new school including the additional local share of approximately \$2.2 million to allow for a full sized gymnasium, air conditioning to allow the Department's summer programming to be centralized at the new location and operate in a more conducive educational environment, and provide artificial turf for the relocated baseball/field hockey field.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the Resolve urging Lewiston's voters to support the construction of a new elementary school in Franklin Pasture to include the additional Local Share for a full-size gymnasium, air conditioning, and athletic fields.



COUNCIL RESOLVE

Resolve, Urging Lewiston's Voters to Support the Construction of a New Elementary School in Franklin Pasture to Include the Additional Local Share for a Full-Size Gymnasium, Air Conditioning, and Athletic Fields.

Whereas, Martel and Longley elementary schools are both old, overcrowded, and no longer meet the needs of Lewiston's school children; and

Whereas, the State of Maine has approved a plan to replace these schools with a single new elementary school; and

Whereas, locating the school in Franklin Pasture near Lewiston High School has been reviewed and supported by the public as expressed at various meetings and straw polls; and

Whereas, the total estimated cost of this project is \$52.9 million with the State contributing \$49.7 million of that amount; and

Whereas, the \$2.2 million local share of the project will allow for a full sized gymnasium, air conditioning to permit the School Department to centralize its summer elementary school programs at one location, and an artificial turf surface on the baseball/field hockey field that will be relocated as part of the project; and

Whereas, the new athletic fields associated with this project will allow the complex to attract tournaments and events that will contribute to the economy of our city along with supporting our school system's athletic and extracurricular programming; and

Whereas, quality school facilities are necessary to support the future success of our community's children and to allow us to remain competitive in an economically changing world;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

We urge the voters of the City of Lewiston to support the construction of a quality elementary school that will enhance educational opportunities for our school age children by voting yes on referendum questions one and two on the June 14th ballot.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, MAY 24, 2016
IMMEDIATELY FOLLOWING SPECIAL MEETING ON SCHOOL BUDGET

1. Discussion on Proposed Ordinance Change on Keeping Chickens

On May 3rd, the City Council first read proposed ordinance amendments that would loosen the restrictions currently in place on keeping chickens and requested that this issue be placed on a workshop agenda. Under our current ordinances, chickens can only be kept in the Rural Agricultural zone on lots of at least 3 acres. A citizen petition has initiated the process of considering a change to this limitation. The proposed amendment would allow keeping up to six chickens on residentially zoned lots of at least 20,000 square feet on which are located a single family detached dwelling (including a mobile home). Please see the attached memo from City Planner David Hediger, the proposed amendments, and the negative recommendation of the Planning Board.

This is the third time in recent years that there has been a discussion of changes to our ordinances involving chickens. On the previous two occasions, the City Council declined to make a change. A similar although slightly more detailed ordinance was considered in 2009 and not adopted. A copy of that ordinance and associated material is also attached.

2. Executive Session – Union Negotiations

3. Executive Session – Property Disposition

**AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE
THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General provisions.

(x) Notwithstanding the provisions under Article XI, section 1 through 14, district regulations, with respect to permitted and conditional uses, the keeping of up to six chickens is permitted in all residential zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28.

REASONS FOR THE PROPOSED AMENDMENT

In the City of Lewiston, the keeping of chicken is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Within the last year, there has been an interest by citizens to keep domesticated chickens in zoning districts other than the RA. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas and provide a recommendation for the City Council's consideration.

The proposed amendment to Article V, Section 3(X) of the Zoning and Land Use Code allows for the keeping of up to six chickens is permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained below in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28.

**AN ORDINANCE PERTAINING TO THE KEEPING OF CHICKENS IN THE
CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 14 Animals

Article I. In General

Sec.14-1. Definitions

Setback, front means the distance from the front line of the property or the side line of the street.

Setback, rear means the distance from the rear line of the lot.

Setback, side means the distance from the side property line of the lot. Any lot line not a back lot line or a front lot line shall be deemed a side lot line.

Article VII. Keeping of Non-Domestic Animals

DIVISION 3. OTHER ANIMALS

Sec. 14-31. Keeping of fowl, rabbits and guinea pigs.

Fowl, rabbits and guinea pigs shall only be kept on lots or tracts of land where allowed pursuant to Appendix A, Article XI of the Zoning and Land Use Code. Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure. Litter and droppings from these animals must be collected and disposed of in accordance with the provisions of section 14-41, disposal of excrement in general, shall specifically apply to the disposal of excrement of fowl, rabbits, and guinea pigs. Provided, however, that the provisions of this section and section 14-41 shall not apply to ducks or other waterfowl inhabiting natural or manmade water courses or bodies of water.

Article XIII. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots.

Sec. 14-45. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Sec. 14-46. License required.

- (a) An annual license is required for the keeping of any domesticated chickens. The annual license is personal to the licensee and may not be assigned.
- (b) The fee for an annual license to keep chickens shall be paid by the licensee in accordance with the fee established by the City council.
- (c) An applicant for a license to keep chickens must demonstrate compliance with the criteria and standards in this Article in order to obtain a license.

Sec. 14-47. Number and type of chickens allowed.

- (a) The maximum number of chickens allowed is six (6) per lot developed with a single family dwelling.
- (b) Only female chickens are allowed. There is no restriction on chicken species.
- (c) Chickens must be purchased from an approved source such as the National Poultry Improvement Plan (i.e. hatcheries that participate in the National Poultry Improvement Plan).

Sec. 14-48. Non-commercial use only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Sec. 14-49. Enclosures.

(a) Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing of not greater than one quarter inch openings and buried at least 12" in the ground. The pen must be covered with wire fencing of not greater than one quarter inch openings, aviary netting, or solid roofing.

(b) Chickens shall be secured within a henhouse during non-daylight hours.

(1) Any henhouse shall be at least twenty-five (25) feet from any dwelling unit. The henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of not greater than one quarter inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.

(2) Chicken enclosures and henhouses shall have a minimum front setback of forty (40) feet and a minimum side and rear setback of at least twenty-five (25) feet. Henhouses are not allowed to be attached or located in any part of a dwelling unit.

Sec. 14-50. Odor and noise impacts.

(a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Sec. 14-51. Lighting.

Only motion-activated lighting may be used to light the exterior of the henhouse. Hen houses may be lit by electric lighting.

Sec. 14-52. Predators, rodents, insects, and parasites.

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

Sec. 14-53. Feed and water.

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators. Chicken feed must be stored in water tight covered metal containers.

Sec. 14-54. Waste storage and removal.

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container. No more than one, five gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Sec. 14-55. Revocation of license.

A license to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law.

Sec. 14-56. Removal of chickens.

In addition to the penalty stated in Article I, Sec. 14-2, any violation of the provisions of this article shall be grounds for an order from the city to remove the chickens and the chicken-related structures. The health officer or animal control officer may order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner such as placing it in a

sealed heavy gauge 3 mil plastic bag and then placing the bag in a water tight covered metal container prior to removal to an approved solid waste facility.

Sec. 14-57. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Council Members
Mayor Robert E. Macdonald

FROM: David Hediger, City Planner

DATE: May 19, 2016

RE: Discussion on Proposed Ordinance Change on Keeping Chickens.

In the City of Lewiston, the keeping of chickens is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Since at least 2009, there has been interest by citizens to keep chickens in zoning districts other than the RA. The Planning Board has considered amendments on three occasions; the City Council on two occasions, most recently on May 3, 2016.

Background on past amendments

2009: The Council initially discussed allowing chickens on residential lots on May 19, 2009 at which time staff was directed to research the matter. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas. On August 24, 2009 the Board voted 7-0 not to adopt an amendment to allow chickens. On September 1, 2009 the Council agreed with the Board and chose not to adopt an amendment. During that same period, a petition signed by 19 residents of Lewiston was presented to the City Council requesting the Council to “defeat any and all proposals...dealing with the raising and maintaining of chickens in all residential areas”. In November 2009, the Lewiston Auburn Public Health Committee made a motion that: “To the extent of the science that the Lewiston-Auburn Public Health Committee (LAPHC) can identify, we find there is no scientific basis for the LAPHC to make a recommendation for or against the proposed chicken ordinance.”

2013: In 2013, staff was asked to revisit the matter with the Planning Board given the number of requests being made to Administration and Planning and Code Enforcement. Staff prepared some minor revision to 2009 draft ordinance. On November 25, 2013 the Board voted to take no action at that time with respect to adopting an ordinance. At that time, there was no involvement by the Council since they did not initiate the request.

2016: A petition has been filed by Shelly Suzuki, of 16 Champlain Avenue to allow the keeping of six chickens on lots developed with a single family detached dwelling on individual lots. On April 25, 2016 the Planning Board voted 6-1 to send an unfavorable recommendation for the City Council’s consideration a proposed amendment allowing for the keeping of up to six chickens in residential zoning districts on lots of no less than 20,000 square feet developed with single family detached dwellings including mobile homes on individual lots. On May 3, 2016 the Council held a public hearing and requested a workshop be scheduled.

Included with this memorandum are copies of the 2009, 2013, and 2015 proposed ordinances and associated correspondence. The following table summarizes the differences in the proposals:

	2009 staff proposal	2013 staff proposal	2016 property owner petition	Current ordinance
Where are chickens allowed?	Permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes.	Permitted in all residential zoning districts on lots developed with single family detached dwellings including mobile homes.	Permitted in residential zoning districts on lots of no less than 20,000 square feet developed with single family detached dwellings including mobile homes on individual lots	Rural Agricultural (RA) district with at least three acres
Number of chickens allowed?	Six; no roosters.	Six; no roosters.	Six; no roosters.	No specific requirements
Is a permit or license required?	An annual license is required for the keeping of any domesticated chickens	No licensing requirements	No licensing requirements	No licensing requirements
Requirements for enclosures?	Very specific requirements on enclosure (i.e., coop, run, etc.).	Very specific requirements on enclosure (i.e., coop, run, etc.).	Basic requirements enclosures must be clean, dry, and odor free, kept in a neat and sanitary condition, in a manner that will not disturb the use of neighboring lots due to noise, odor or other adverse impact.	none
Setbacks?	25' setback from any dwelling. 40' front and 25' side and rear setback.	25' setback from any dwelling. 40' front and 25' side and rear setback.	Chickens shall be kept only in the rear or side yard behind the principle structure of the lot developed and must be kept on the property of the owner. Chicken henhouses, fenced areas, and enclosures shall not be closer than ten (10) feet to any property line.	25'
Lighting?	Very specific on lighting	Very specific on lighting	No specific requirements	No specific requirements
Predators, rodents, insects, and parasites?	Very specific on infestation	Very specific on infestation	The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.	No specific requirements
Feed and water?	Very specific on feed and water	Very specific on feed and water	No specific requirements	No specific requirements
Removal of chickens?	Very specific on removal of chickens	Very specific on removal of chickens	No specific requirements. May be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.	No specific requirements

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Discussion items

Staff noted the following concerns of the Council at their May 3, 2016 meeting:

- Allowing chickens in too many areas of the Lewiston: The petitioner has requested that chickens be permitted in residential zoning districts. Concern was raised about how this may impact property values and neighborhood stability. Residential zoning districts includes those zoning districts in which residential uses are the predominate uses allowed. This includes the following districts: Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), Neighborhood Conservation "A" (NCA), and Neighborhood Conservation "B" (NCB). Chickens are currently limited to the RA district. In effort to address concerns about lot size, density of neighborhoods, and proximity of structures, the Council may consider limiting the keeping of chickens to the following districts: RA which has a minimum lots size of 60,000 square feet (sf), the LDR with a minimum lots size of 10,000 SF on sewer/40,000 SF on septic, the SR with a minimum lots size of 20,000 SF on sewer/40,000 SF on septic, and the MDR with a minimum lots size of 10,000 SF on sewer/40,000 SF on septic. This would limit chickens to four of six residential districts in which lot sizes are typical much larger than the NCA and NCB districts, with greater separation between structures. However, this will limit the ability of many residents owning smaller lots from having chickens. It is often is those owners requesting chickens.
- Lot size requirement: The petition submitted requires a minimum lots size of 20,000 square feet. There was some concern that this remains too small of an area when abutting lots may be considerably smaller; thereby, allowing an individual in with a larger lot in a more densely settled neighborhood to have chickens with close proximity of others. The Council may want to consider increasing the minimum lot size for keeping of chickens to 40,000 square feet. To some extent, this lot size requirement would be the same as the minimum lots size requirements of the above referenced districts. However, this will again limit the ability of many residents owning smaller lots from having chickens.
- Tougher performance standards: The petitioner has requested a minimum 10' setback for any enclosure or runs for chickens, which must be kept in rear and side yards. If Council believes this is too close to property lines, increasing this setback to 20' maybe reasonable, especially if the decision is made to increase minimum lot size requirements. Staff believes the proposed requirement that chickens shall be kept only in the rear or side yard behind the principle structure of the lot developed should remain.
- Permits and licenses: All off the ordinances considered over the years contain language found in Chapter 14 Animals Article VII. Keeping of Non-Domestic Animals. This section of the ordinance is enforced by the animal control officer. However, given that there is a minimum lot size requirement (and possibly specific zoning district requirements), Planning and Code Enforcement would have a responsibility, too. When working with the petitioner , staff was looking to keep the administering of this provisions simple with general performance standards without the need for a license or permit (with the expectation of building permit for the coop). However, if there is a desire to make sure owners are responsible and aware of the ordinance requirements, the Council may want to consider a fee for an annual license to keep chickens, paid by the licensee in accordance with a fee established by the city council. An applicant for a license to keep chickens would have to demonstrate compliance with the criteria and standards in the ordinance in order to obtain a license. This license would be administered by the Clerk's office, similar to dog licenses. A one-time use permit could also be required from Planning and Code Enforcement in accordance with a fee established by the city council. An applicant for a use permit to keep

chickens would have to demonstrate compliance specific to the lot size and zoning requirements in order to obtain a license.

- Compliance issues: As with many compliance and enforcement matters, violations are often complaint driven. If a license and/or use permit becomes a requirement for keeping chickens, the City will have a list of legal owners who have been advised of the requirements. Failure to comply could result in fines or revocation of license. Regardless if an ordinance is adopted, enforcement is and would be handled primarily by the animal control officer with assistance from Planning and Code Enforcement. .

Staff will be looking for direction from the Council on how to proceed and will be available at the meeting for additional discussion.

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CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Council Members
Mayor Robert E. Macdonald

FROM: David Hediger, City Planner

DATE: April 27, 2016

RE: **A petition to amend the Zoning and Land Use Code and the Code of Ordinances to allow for the keeping of six chickens on lots developed with a single family detached dwelling on individual lots.**

In the City of Lewiston, the keeping of chickens is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Since at least 2009, there appears to be a growing interest by citizens to keep chickens in zoning districts other than the RA. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas. On August 24, 2009 the Board voted 7-0 not to adopt an amendment to allow chickens. The Council agreed and chose not to adopt an amendment. In 2013, staff was asked to revisit the matter with the Planning Board given the number of requests being made to Administration and Planning and Code Enforcement. On November 25, 2013 the Board voted to take no action at that time with respect to adopting an ordinance.

This time, a resident has submitted a petition to amend the ordinance to allow chickens. Unlike the previous discussions, this proposed amendment is being initiated by a property owner pursuant to Article XVII, Section 5 of the Zoning and Land Use Code. The petitioner, Shelly Suzuki of 16 Champlain Avenue, currently has six chickens on a single family house lot. Upon being notified that this was violation of the Zoning and Land Use Code, staff agreed not to take enforcement action if she pursued an amendment to the code. Pending a final decision from the City Council, the outcome of the proposed amendment will direct staff as to what actions will be taken.

Staff provided the petitioner guidance in drafting the ordinance, referencing past attempts and language that was considered by the Planning Board. Staff shared past concerns including public health issues, the burden on code enforcement, the animal control officer, Lewiston Police Department, lot size requirements, and, at that time, the uncertainties to enforcement of the ordinance.

Compared with previous proposal, the language proposed by the petitioner is much simpler to administer. The proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code allows for the keeping of up to six chickens in residential zoning districts on lots of no less than 20,000 square feet developed with single family detached dwellings including mobile homes on individual lots. Staff suggested the 20,000 square lot size to the petitioner as that was a lot size last considered by the Planning Board in 2013. The lot size provision would be administered by Planning and Code Enforcement, being part of the Zoning and Land Use Code.

The amendment also includes performance standards contained in Chapter 14 Animals, Article VII. Keeping of Non-Domestic Animals, Division 4. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots. Said provisions are located in the Code of Ordinances are technically outside the purview of the Planning Board's.

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Should Article V, Section 3(aa) be adopted by the Council, the provisions contained in Chapter 14, Article VII, Division 4 would be considered for adoption by the City Council. Said performance standard provisions would be administered by the Animal Control Officer.

It's worth noting, many of the provisions in Chapter 14 have been modified from other communities, and in large part, the City of Auburn. In speaking with Auburn's Planning and Code Enforcement Department, their current language has been relatively easy to administer with few issues. Most issues have been related to the keeping of a rooster, which is not allowed. Staff also spoke with Animal Control Officer Wendell Strout, who works for Lewiston and used to provide assistance to Auburn. He expressed no concerns with the proposed ordinance and noted when assisting Auburn, complaints tended to be related to roosters.

On April 25, 2016 the Planning Board held a public hearing to consider Mrs. Suzuki's proposal. Citizens spoke both in favor and in opposition. Those in favor noted there are properties in Lewiston that currently have chickens from which there have been no complaints and if properly managed, do not create adverse conditions for abutting properties owners. They also noted the existing ordinance should be clarified for easier interpretation by residents. Those in opposition expressed concerns with the proposed minimum lot size of 20,000 square feet being too small, the possibility of noise and odor, means of chicken manure disposal, possible adverse health impacts, and negative impacts to property values. Neighbors of Mrs. Suzuki presented a signed petition by those in opposition to the proposed amendment. Staff also received correspondence from residents in support and opposition to the proposed amendment, which have been included in the Council's packet.

The hearing ended with the Planning Board voting 6-1 in opposition of the petitioner's amendment, sending a negative recommendation for the City Council's consideration.

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4/5/16

**AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE
THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General provisions.

(aa) Notwithstanding the provisions under Article XI, Section 23 of this Code, the keeping of up to six chickens is permitted in residential zoning districts on lots of no less than 20,000 square feet developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-53.

REASONS FOR THE PROPOSED AMENDMENT

In the City of Lewiston, the keeping of chicken is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. There has been an interest by citizens to keep domesticated chickens in zoning districts other than the RA.

The proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code allows for the keeping of up to six chickens permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained below in Chapter 14, Article XIII, Sec 14-45 thru 14-52.

**AN ORDINANCE PERTAINING TO THE KEEPING OF CHICKENS IN THE
CITY OF LEWISTON HEREBY ORDAINS:**

**Chapter 14 Animals
Article VII. Keeping of Non-Domestic Animals
Division 3. Other Animals**

Sec. 14-31. Keeping of fowl, rabbits and guinea pigs.

Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure. Litter and droppings from these animals must be collected and disposed of in accordance with the provisions of section 14-41, disposal of excrement in general, shall specifically apply to the disposal of excrement of fowl, rabbits, and guinea pigs. Provided, however, that the provisions of this section and section 14-41 shall not apply to ducks or other waterfowl inhabiting natural or manmade water courses or bodies of water.

Division 4. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots.

Sec. 14-45. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept. The provisions of this section are not to preclude other sections of Chapter 14 as applicable.

Sec. 14-47. Number and type of chickens allowed.

- (a) The maximum number of chickens allowed is six (6) per lot developed with a single family dwelling.
- (b) Only female chickens are allowed. There is no restriction on chicken species.
- (c) Chickens must be purchased from an approved source such as the National Poultry Improvement Plan (i.e. hatcheries that participate in the National Poultry Improvement Plan).
- (d) This provision shall not apply to allowed agricultural uses.

Sec. 14-48. Non-commercial use only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Sec. 14-49. Enclosures.

- (a) Chickens must be kept in a fenced area or enclosure at all times. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition, in a manner that will not disturb the use of neighboring lots due to noise, odor or other adverse impact. The free ranging of chickens is not allowed.
- (b) Chickens shall be secured within a henhouse during non-daylight hours.
 - (1) Henhouses are not allowed to be attached or located in any part of a dwelling unit. The henhouse shall be enclosed on all sides and shall have a roof and doors. The henhouse must be well-maintained.
- (c) Chickens shall be kept only in the rear or side yard behind the principle structure of the lot developed and must be kept on the property of the owner. Chicken henhouses, fenced areas, and enclosures shall not be closer than ten (10) feet to any property line.

Sec. 14-50. Odor and noise impacts.

The keeping of chickens authorized under this section shall not create a nuisance and shall be conducted in a manner that does not disturb the use of adjacent properties. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Sec. 14-51. Predators, rodents, insects, and parasites.

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

Sec. 14-52. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director
MEMORANDUM



To: City Clerk's Office
City Council Members
Mayor Robert E. Macdonald

From: David Hediger

Date: April 26, 2016

Subject: Planning Board Action

The Planning Board took the following action at their meeting held on April 25, 2016 regarding a citizen petition to amend Article V of the Zoning and Land Use Code and Chapter 14 of the Code of Ordinances to allow for the keeping of six chickens on lots developed with a single family detached dwelling on an individual lot:

The following motion was made:

MOTION: by **Walter Hill** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send an unfavorable recommendation for the City Council's consideration of a proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code allowing for the keeping of up to six chickens in residential zoning districts on lots of no less than 20,000 square feet developed with single family detached dwellings including mobile homes on individual lots. Second by **Sandra Marquis**.

VOTED: 6-1 (Paul Madore opposed)

Note: The Planning Board's recommendation not to amend the Zoning and Land Use Code to allow the keeping of chickens may be overturned by the City Council only by the affirmative vote of at least five councilors as per Article XVII, Section 5(e)(2) of the Zoning and Land Use Code.

The following motion was made:

MOTION: by **Michael Marcotte** to send an unfavorable recommendation for the City Council's consideration of an amendment to the Code of Ordinances Chapter 14 Animals, Article VII. Keeping of Non-Domestic Animals, Division 4. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots. Second by **Pauline Gudas**.

VOTED: 6-1 (Paul Madore opposed)

Note: The Planning Board's authority is limited to the proposed amendment language of Article V, Section 3(aa) of the Zoning and Land Use Code. However, staff recommended the Board consider reviewing and providing a recommendation on the proposed language found Chapter 14, Article VII, Division 4 of the Code of Ordinances for the City Council's consideration. Should Article V, Section 3(aa) be adopted by a super majority vote of the Council, the provisions contained in Chapter 14, Article VII, Division 4 should be considered for adoption by the City Council. A simple majority vote by the Council is required for adoption of this section of the Code of Ordinances, as it is not an amendment to the Zoning and Land Use Code.

c: Ed Barrett, City Administrator
Planning Board Members

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City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



Field Code Changed

MEMORANDUM

To: City Clerk's Office
City Council Members

From: David Hediger

Date: December 2, 2013

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on November 25, 2013 regarding the need to draft and adopt an ordinance regulating the keeping of chickens:

The following motion was made:

MOTION: by **Walter Hill** to take no action at this time with respect to drafting and adopting an ordinance regulating the keeping of chickens.
Second by **Paul Robinson**.

VOTED: **5-2 (Passed)**
Eric Potvin and Kevin Morissette Opposed

c: Ed Barrett, City Administrator
Planning Board Members

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LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 1, 2009

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Receipt of Planning Board's recommendation regarding the proposed ordinance for the keeping of chickens in residential properties.

INFORMATION:

The Council asked the Planning Board to review the prepared language for the newly proposed ordinance regarding the keeping of chickens in residential areas. The Planning Board reviewed the proposed ordinance and voted 7-0 to recommend that the City Council not amend the current Code of Ordinances to incorporate the new information for the keeping of chickens. The Planning Board's recommendation cited several reasons for their recommendation against this new ordinance, namely items such as public health issues, the burden of enforcement on the Animal Control Officer, Code Enforcement and the Police Department as well as the ambiguities to enforce the ordinance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

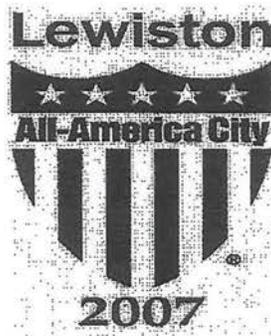
The Acting City Administrator recommends approval of the requested action.

PN/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To receive and review the recommendation from the Planning Board regarding the proposed ordinance for the keeping of chickens in residential areas and to determine a course of action.



**CITY OF LEWISTON
PLANNING & CODE ENFORCEMENT**

Gildace J. Arsenault

Director

MEMORANDUM

TO: City Clerk's Office
City Council Members
FROM: David Hediger, City Planner
SUBJECT: Planning Board Action of August 24, 2009
DATE: August 26, 2009

The Planning Board took the following action at the Public Hearing held on August 24, 2009, regarding an amendment to Article V, Section 3 of the Zoning and Land Use Code, and Chapter 14, Article XIII, Section 14-45 thru 14-57 of the Code of Ordinances to allow the keeping of chickens on lots developed with single family detached dwellings including mobile homes on individual lots.

MOTION: *by David Vincent that the Planning Board, send a recommendation to the City Council for their consideration to not amend Article V, Section 3 of the Zoning and Land Use Code and Chapter 14, Article XIII, and Section 14-45 thru 14-57 of the Code of Ordinances to allow the keeping of chickens on lots developed with single family detached dwellings including mobile homes on individual lots for the following reasons, but not limited to: public health issues, the burden on code enforcement, the animal control officer, and Lewiston Police Department, and the ambiguities to enforcement of the ordinance. Second by Paul Robinson.*

VOTED: 7-0 (Passed).

pc: Phil Nadeau, Acting City Administrator
Lincoln Jeffers, Assistant to the City Administrator
Planning Board Members

JCB:jcb\C:\MyDocuments\chickenDeleReview.doc

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City of Lewiston
Planning & Code Enforcement

TO: City Council, Mayor, Acting City Administrator
FROM: David Hediger, City Planner
DATE: August 26, 2009
RE: Proposed amendment to allow the keeping of chickens

In the City of Lewiston, the keeping of chickens is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Within the last year, there appears to have been a growing interest by citizens to keep domesticated chickens in zoning districts other than the RA. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas and provide a recommendation for the City Council's consideration pursuant to Article XVII, Section 5(b)(1)(a) of the Zoning and Land Use Code.

The proposed amendment to Article V, Section 3(X) of the Zoning and Land Use Code allows for the keeping of up to six chickens in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the proposed provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28. Much of the language provided has been modeled from Portland's ordinance adopted earlier this year.

On August 24, 2009 the Planning voted unanimously to send a recommendation to the City Council for their consideration to not amend Article V, Section 3(X) of the Zoning and Land Use and Chapter 14, Article XIII, and Section 14-45 thru 14-57 of the Code of Ordinances to allow the keeping of chickens on lots developed with single family detached dwellings including mobile homes on individual lots for the following reasons, but not limited to: public health issues, the burden on code enforcement, the animal control officer, and Lewiston Police Department, and the ambiguities to enforcement of the ordinance

Please note, a citizen's petition has been provided to staff requesting the City Council to defeat any and all proposals that come before the Council dealing with the raising of chickens in residential areas.

8/26/2009

**AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE
THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General provisions.

(x) Notwithstanding the provisions under Article XI, section 1 through 14, district regulations, with respect to permitted and conditional uses, the keeping of up to six chickens is permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28.

REASONS FOR THE PROPOSED AMENDMENT

In the City of Lewiston, the keeping of chicken is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Within the last year, there has been an interest by citizens to keep domesticated chickens in zoning districts other than the RA. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas and provide a recommendation for the City Council's consideration.

The proposed amendment to Article V, Section 3(X) of the Zoning and Land Use Code allows for the keeping of up to six chickens is permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained below in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28.

**AN ORDINANCE PERTAINING TO THE KEEPING OF CHICKENS IN THE
CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 14 Animals

Article I. In General

Sec.14-1. Definitions

Setback, front means the distance from the front line of the property or the side line of the street.

Setback, rear means the distance from the rear line of the lot.

Setback, side means the distance from the side property line of the lot. Any lot line not a back lot line or a front lot line shall be deemed a side lot line.

Article VII. Keeping of Non-Domestic Animals

DIVISION 3. OTHER ANIMALS

Sec. 14-31. Keeping of fowl, rabbits and guinea pigs.

Fowl, rabbits and guinea pigs shall only be kept on lots or tracts of land where allowed pursuant to Appendix A, Article XI of the Zoning and Land Use Code. Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure. Litter and droppings from these animals must be collected and disposed of in accordance with the provisions of section 14-41, disposal of excrement in general, shall specifically apply to the disposal of excrement of fowl, rabbits, and guinea pigs. Provided, however, that the provisions of this section and section 14-41 shall not apply to ducks or other waterfowl inhabiting natural or manmade water courses or bodies of water.

Article XIII. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots.

Sec. 14-45. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Sec. 14-46. License required.

(a) An annual license is required for the keeping of any domesticated chickens. The annual license is personal to the licensee and may not be assigned.

(b) The fee for an annual license to keep chickens shall be paid by the licensee in accordance with the fee established by the City council.

(c) An applicant for a license to keep chickens must demonstrate compliance with the criteria and standards in this Article in order to obtain a license.

Sec. 14-47. Number and type of chickens allowed.

(a) The maximum number of chickens allowed is six (6) per lot developed with a single family dwelling.

(b) Only female chickens are allowed. There is no restriction on chicken species.

(c) Chickens must be purchased from an approved source such as the National Poultry Improvement Plan (i.e. hatcheries that participate in the National Poultry Improvement Plan).

Sec. 14-48. Non-commercial use only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Sec. 14-49. Enclosures.

(a) Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing of not greater than one quarter inch openings and buried at least 12" in the ground. The pen must be covered with wire fencing of not greater than one quarter inch openings, aviary netting, or solid roofing.

(b) Chickens shall be secured within a henhouse during non-daylight hours.

(1) Any henhouse shall be at least twenty-five (25) feet from any dwelling unit. The henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of not greater than one quarter inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.

(2) Chicken enclosures and henhouses shall have a minimum front setback of forty (40) feet and a minimum side and rear setback of at least twenty-five (25) feet. Henhouses are not allowed to be attached or located in any part of a dwelling unit.

Sec. 14-50. Odor and noise impacts.

(a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Sec. 14-51. Lighting.

Only motion-activated lighting may be used to light the exterior of the henhouse. Henhouses may be lit by electric lighting.

Sec. 14-52. Predators, rodents, insects, and parasites.

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

Sec. 14-53. Feed and water.

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators. Chicken feed must be stored in water tight covered metal containers.

Sec. 14-54. Waste storage and removal.

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container. No more than one, five gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Sec. 14-55. Revocation of license.

A license to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law.

Sec. 14-56. Removal of chickens.

In addition to the penalty stated in Article I, Sec. 14-2, any violation of the provisions of this article shall be grounds for an order from the city to remove the chickens and the chicken-related structures. The health officer or animal control officer may order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner such as placing it in a

8/26/2009

sealed heavy gauge 3 mil plastic bag and then placing the bag in a water tight covered metal container prior to removal to an approved solid waste facility.

Sec. 14-57. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.

From: <rgrandmason@myfairpoint.net>
To: "Larry Gilbert" <gilbertmayor@aol.com>
Date: 8/14/2009 7:20 PM
Subject: Chicken Petition
Attachments: Petition.doc; Petition2.jpg

Hi Larry:

Attached are 2 pages of people that have signed the Petition. They are mostly from the Jean & Owen St. area, but I spoke to several others and many more would consider signing.

People have invested some significant dollars in their homes and they don't need any disturbances that will affect the value of their homes.

Many are concerned about this issue because they all agree that chickens are farm animals and they belong on farms just like hogs, horses, cows, etc. the thing is, chickens are not the clean animals. They are difficult because they make a mess and can even eat each other. Hogs are cleaner than the chickens.

My biggest concern is about who will monitor and police those who have chickens. The animal control officer is certainly overworked as it is. Does that mean the City will need to hire someone or a sub-contractor?

I hope this can help the Planning Board and the City Council to make common sense decisions.

Thanks for your help.

Call me if you have any questions @ 782-4711

Richard Grandmason

Petition

We, all residents of Lewiston, Petition the Lewiston City Council to defeat any and all proposals that come before the Council dealing with the raising and maintaining of chickens in all residential areas within the City limits.

Name	Signature	Address
RICHARD BRUNSON	<i>[Signature]</i>	51 Jean St
Diane T. Grandmason	<i>[Signature]</i>	51 Jean St
LINDA B. WATTS	<i>[Signature]</i>	53 Jean Street
STEPHEN R. WATTS	<i>[Signature]</i>	53 Jean Street
GENEVIE FOUNTAINE	<i>[Signature]</i>	55 Jean St.
HARRY FULLERTON	<i>[Signature]</i>	54 Jean St
Sue Fullerton	<i>[Signature]</i>	54 Jean St
Chelma Piers	<i>[Signature]</i>	67 Jean St
LORNA BELLEGARDE	<i>[Signature]</i>	61 Jean St Lew.
Genove Bruneau	<i>[Signature]</i>	8 Owen St Lewiston Me
AORIEN BRUNEGARD	<i>[Signature]</i>	8 OWEN ST LEWISTON ME
FRANK R. BRUNO	<i>[Signature]</i>	61 Jean St Lewiston Me
ARTHUR T. LINDY	<i>[Signature]</i>	64 JEAN ST LEWISTON ME
MICHAEL J. LINDY	<i>[Signature]</i>	64 JEAN ST LEWISTON ME
David Gregoire	<i>[Signature]</i>	57 Jean St Lewiston Me
Philip W. Nelson	<i>[Signature]</i>	7 Russell St Lewiston Me
DANNY P. FULLERTON	<i>[Signature]</i>	28 So. Survey Lane Lewiston
Constance Piers	<i>[Signature]</i>	17 Jean St Lewiston Me
Loren Ouellette	<i>[Signature]</i>	47 Jean St Lewiston Me

Below are two sections of the Lewiston, Auburn Public Health Committee meeting minutes from 2009 re: chickens.

November 5, 2009 – LAPHC Meeting Minutes

Proposed Chicken Ordinance: Ned Claxton reported that the hospital librarians had reviewed articles, papers, and reports—some from AP & wire groups—and found that although there could be a salmonella exposure, there have been no reported spikes in salmonella, ticks, or Lyme in regards to raising chickens. Information found indicated there didn't seem to be any strong science for or against the proposed ordinance. Karen Palin noted that eggs could be contaminated; however, it seems to be epidemiologically family vs. community. Rene did point out that if people take eggs to work to distribute, such a risk goes a little beyond family.

Considering previous discussions & hospital librarian research, a **MOTION WAS MADE** by Ned and seconded by Joanne that ***“To the extent of the science that the Lewiston-Auburn Public Health Committee (LAPHC) can identify, we find there is no scientific basis for the LAPHC to make a recommendation for or against the proposed chicken ordinance.”***

As there were not 12 voting members present, Dottie will send the above motion out via Survey Monkey for voting purposes. A letter in regards to the LAPHC's official position will be drafted by Ned.

DECEMBER 3, 2009 – LAPHC Meeting Minutes

As to the vote that had previously gone out via Survey Monkey re: the group's position on the proposed chicken ordinance, Dottie reported that 8 people had voted to approve the proposed language. With Larry Marcoux at the meeting (*hadn't voted via Survey Monkey*) and some folks arriving late to the meeting, a quorum & affirmative vote were eventually experienced with the additional votes of Larry, Connie Jones, Cathy Liguouri, and Fatuma Hussein. **The proposed language composed at the November 5, 2009, meeting was thereby officially approved. The group's position language was: *“To the extent of the science that the Lewiston-Auburn Public Health Committee (LAPHC) can identify, we find there is no scientific basis for the LAPHC to make a recommendation for or against the proposed chicken ordinance.”***

LEWISTON CITY COUNCIL

MEETING OF MAY 24, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Resolve designating City Administrator Ed Barrett as the City of Lewiston's Alternate Representative to any meetings of the communities participating in the current legal action against Androscoggin County.

INFORMATION:

In June 2015, the City Council authorized legal action against Androscoggin County regarding aspects of the County Charter relating to compensation for elected officials and authority of the County Budget Committee. Councilor Lachance is the City's representative to the meetings pertaining to this issue. In the event that Councilor Lachance may have a scheduling conflict and is unable to attend a meeting, it is recommended that the City Administrator serve as the City's alternate. This Council action will formally designate the City Administrator to serve in that role.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve designating City Administrator Ed Barrett as the City of Lewiston's Alternate Representative to any meetings of the communities participating in the current legal action against Androscoggin County.



CITY OF LEWISTON, MAINE

May 24, 2016

COUNCIL RESOLVE

Resolve, Designating City Administrator Ed Barrett as the City of Lewiston's Alternate Representative to Any Meetings of the Communities Participating in the Current Legal Action Against Androscoggin County.

Whereas, in June 2015, the City Council authorized legal action against Androscoggin County involving certain elements of the County Charter relating to elected official compensation and benefits and the authority of the County Budget Committee; and

Whereas, at the same time, the Council designated Councilor Lachance as its representative to any meetings of the communities participating in this effort; and

Whereas, at times, Councilor Lachance may not be available to attend such meetings due to other commitments; and

Whereas, to ensure that the City is represented when Councilor Lachance is unavailable, it is necessary to designate an alternate representative;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

City Administrator Ed Barrett is hereby designated as the alternate representative to Councilor Lachance when he is unable to attend meetings of the communities participating in the current legal action against Androscoggin County.

LEWISTON CITY COUNCIL

MEETING OF MAY 24, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session to discuss labor union negotiations regarding the city's six employee unions.

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
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To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458.

LEWISTON CITY COUNCIL

MEETING OF MAY 24, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-2

SUBJECT:

Executive Session to discuss a Property Disposition issue regarding Contract Negotiations.

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
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To enter into an executive session, pursuant to MRSA Title 1, section 405 (6)(c), to discuss a Property Disposition issue regarding Contract Negotiations.