

AUBURN WATER DISTRICT

By-Laws for Protection of Lake Auburn

WHEREAS, the Auburn Water District was granted a legislative Charter by Chapter 60 of the Private and Special Laws of 1923, as amended, and under the terms of its Charter, the said Auburn Water District was granted the power “to adopt by-laws, not inconsistent with the general laws of the state, to prevent pollution of the water of Lake Auburn and to preserve the purity of said water, and may prescribe penalties for the violation thereof, which said by-laws shall have the same force and effect as municipal ordinances”; and

WHEREAS, the said Auburn Water District was also granted under its Charter the “power and authority” to bring legal proceedings “to enjoin, prevent or restrain any persons, firms or corporations from polluting the water of Lake Auburn, provided such pollution shall tend to corrupt or impair the quality of the water of said Lake Auburn for domestic purposes, or render it injurious to health”; and

WHEREAS, the Auburn Water District has the further duty under the terms of its said Charter to provide pure and potable drinking water to persons within the city of Auburn; and

WHEREAS, Lake Auburn is the public drinking water supply for water consumers in the City of Auburn and also (pursuant to Chapter 153 of the Laws of 1899) is the public drinking water supply for the City of Lewiston; and

WHEREAS, pursuant to 22 M.R.S.A. §2647, “Any water utility...is authorized to take reasonable steps to protect a public water source from pollution”; and

WHEREAS, the United States Environmental Protection Agency, pursuant to the Safe Drinking Water act, promulgated rules in June of 1989 calling for the filtration of all surface water supplies that cannot meet stringent criteria with respect to purity; and

WHEREAS, the Auburn Water District and City of Lewiston have jointly engaged the services of environmental consultants to consider appropriate measures for the protection of the purity of the water in Lake Auburn, and to secure an exception from the aforesaid filtration requirements in order to avoid substantial costs to the water ratepayers in the communities of Lewiston and Auburn; and

WHEREAS, the Trustees of the Auburn Water District conducted a public hearing on March 20,1991, and another public hearing on July 17,1991, to consider the possibility of developing and adopting regulations and restrictions to protect the purity of the water in Lake Auburn and have received and reviewed both oral and written comment thereon; and

WHEREAS, the Trustees of the Auburn Water District have been advised by their consultants that water protection control measures are necessary to prevent pollution of the water of Lake Auburn and to preserve the purity of said water, and in order to successfully pursue an exception from filtration requirements as aforesaid; and

WHEREAS, these restrictions have been developed in an attempt to achieve the public purposes described above and yet permit some recreational uses of Lake Auburn.

NOW, THEREFORE, pursuant to their lawful authority as aforesaid and based upon the record of evidence presented to them at the public hearing and in written

submissions, the Trustees of the Auburn Water District hereby make the following findings:

1. That Lake Auburn is a great pond held in trust by the State for the benefit of all citizens of the State of Maine.
2. That Lake Auburn is a public drinking water supply, pursuant to Legislative authorization, providing water to the citizens of Lewiston and Auburn and to other water customers and users within those cities.
3. The Legislature of the State of Maine has specifically authorized and delegated to the Trustees of the Auburn Water District the authority to promulgate by-laws regulating and restricting recreational and other uses of Lake Auburn as may be required to preserve the purity of the water in said Lake and to protect it as a public drinking water supply.
4. The Auburn Water District and the City of Lewiston will be excepted from the surface water filtration requirements under the Safe Drinking Water Act, provided they can demonstrate adequate measures have been created and can be enforced to preserve the purity of the water of Lake Auburn. Compliance with the filtration requirements, if the exception cannot be obtained, based on current estimates, will cost somewhere between \$20,000,000 and \$24,000,000 with annual operating costs projected at \$1,500,000 to \$2,000,000 at the expense of water consumers and ratepayers within the Lewiston and Auburn communities.

5. Reasonable recreational opportunities on Lake Auburn can be preserved with restrictions that, at the same time, will advance the goal of preserving and protecting the purity of the water in Lake Auburn and obtaining the exception from the unreasonable cost of meeting filtration requirements.

ACCORDINGLY, based on the record before them and the foregoing findings, the Auburn Water District Trustees, acting pursuant to their legal authority, hereby adopt the following By-Laws establishing Lake Auburn and Lake Auburn Watershed Restrictions and Controls:

1. There shall be and hereby are established four levels or zones of protection as follows:

Level 1 Intake Restricted Zone

Consisting of the shoreline of Lake Auburn upland to the closest roadway, or to the watershed boundary if that is closer to the Lake as depicted on the official Lake Auburn and Lake Auburn Watershed Protection Zone map on file with the Auburn Water District, and the surface of the Lake encompassed by a line between “Point of Pines” and a point southerly of the Route 4 boat launch, as shown on a map approved by the Trustees, titled “Lake Auburn Watershed Protection Zones.”

Level 2 Shoreline Protected Zone

Other remaining surface of the Lake and shoreline areas and direct tributaries of the Lake

Level 3 Lower Watershed

The remainder of the watershed of Lake Auburn located within the city limits of the City of Auburn

Level 4 Upper Watershed

The watershed of the Lake outside the jurisdiction of the City of Auburn

These restriction areas are more specifically identified and mapped on the official Lake Auburn and Lake Auburn Watershed Protection Zone map on file with the Auburn Water District, which may be revised and amended from time to time by the Trustees of the Auburn Water District.

2. The specific restrictions for the protection areas identified above shall be as follows:

Protection Level 1: Intake Restricted Zone

This is the most critical area for protection since microbiological, chemical particulate, and other contaminants are most likely to reach the intake from this location. Protection Level 1 is described above and includes a 1,500 foot radius around the intake in the water plus a large area of the shoreline extending out to the closest roadways. On Lake Auburn, this Level 1 protection area allows absolutely no trespassing on District land, year-round. On land, Level 1 is the highest priority area for land acquisition or for written agreements and easements for the few remaining parcels of land not already owned by the District. The specific restrictions and prohibitions in Protection Level 1 are:

- a. All water-related activities in this area are absolutely prohibited, at all times throughout the year. The term “water-related” activity includes, without limitation, any activity in, on, or from the surface waters of the lake or the watershed, such as swimming, boating, water skiing, sailboarding, canoeing, kayaking, jet skiing, sailing, fishing, or diving, and the landing or taking off of seaplanes. Provisions shall be made to permit Zone 1 private landowners to reach Zone 2 for their personal

non-commercial recreational purposes via a route deemed by the District to minimize potential contaminants to the water near the intake structure.

- b. There shall be signs and/or buoys in the lake at regular intervals, indicating absolutely no trespassing and the penalties to be imposed within Protection Level 1.
- c. Signs shall be placed at selected locations on the shoreline, to be seen from shore, and indicating absolutely no trespassing and the penalties imposed.
- d. Any violation of these restrictions shall be subject to land use citation and complaint proceedings pursuant to the Maine Rules of Civil Procedure for any one or more of injunctive relief, restoration, mitigation, or the imposition of a maximum fine of \$2,500 for each and every violation.

Protection Level 2: Shoreline Protection Zone

This second protection zone includes the entire shoreline of the lake except the small bay downstream of Route 4 near the outlet and bay areas included within Protection Level 1. This zone extends inland to the nearest roadway. Protection Level 2 also includes all of the lake except for that included within Protection Level 1. Protection measures for Level 2 are:

- a. Seeking closure of portions or all of Spring Road, with resident access only to the southern half of the road, and limited access

only to the northern half of the road where there are no resident.

- b. Prohibition of all water-related activities, as defined above, except small recreational boats used without human contact with the water. Boats with onboard toilet and sleeping facilities are prohibited. Landing or taking off of seaplanes is also prohibited in this section.
- c. The strict enforcement of the State of Maine's "no wake" rule for all motorized boats within 200 feet of any shoreline, where boats are allowed.
- d. Any special public gathering or event which may draw attendance of 50 or more people in close proximity to (100 feet) or on the Lake, must receive approval from the District in the form of a permit at least 45 days in advance of the event. The fee for the permit shall cover all cost incurred by the District.
- e. Suitable signs shall be posted to advise the public of these restrictions and to prescribe penalties.
- f. The penalty for violation of these restrictions shall be the same as for Level 1.

Protection Level 3: Lower Watershed

This area is protected by the Lake Auburn Overlay Zoning District (adopted by the City of Auburn) and the Auburn Water District Land Use Policy already in place, as from time revised and amended. These zoning and land use policies, and the enforcement of them, are deemed to provide sufficient protection for the water supply from the adverse effects of human activities in the watershed. The Trustees reserve the enactment of additional or more specific restrictions for some time in the future.

Protection Level 4: Upper Watershed

The Trustees of the Auburn Water District are investigating the establishment of an entity or authority for the protection and control of the Lake Auburn Watershed, including those portions located in other municipalities, and shall provide technical assistance and enforcement assistance for watershed protection controls to homeowners and residents of the extended watershed area.

3. The foregoing By-Laws shall be enforced pursuant to Maine Rule of Civil Procedure 80K or in any other manner provided by law for land use ordinances, and the superintendent of the Auburn Water District is hereby designated as an officer authorized to implement and enforce the foregoing By-Laws and restrictions by all appropriate means, including without limitation by bringing legal proceedings for the enforcement thereof.
4. These By-Laws are subject to amendment from time to time in order to achieve more completely the purposes set forth above. If, and to the extent, any portion of these By-Laws is found to be in excess of the legal authority of

the Auburn Water District Trustees or unenforceable for some other reason, it is intended that the remainder be deemed severable from said invalid or unenforceable provisions and that the remaining regulations be enforced in full according to their terms.

5. The effective date of these By-Laws is January 1, 1992. They shall be reviewed by the Trustees at least once every five years to consider their continued effectiveness and necessity. The Trustees shall notify the public of such review and provide a reasonable opportunity for public comment.

Adopted August 27, 1991

Updated November 15, 2023