

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT (A/L)



SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

CITY COUNCIL MEETING - FEBRUARY 3, 2025

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

<https://portlandme.portal.civicclerk.com/event/7606/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting - January 22, 2025

PROCLAMATIONS:

Proclamation 22-24/25 Recognizing Black History Month 2025 - Sponsored by Mark Dion, Mayor

Proclamation 23-24/25 Recognizing the 50th Anniversary of Medical Crisis Unit "MedCU" - Sponsored by Mark Dion, Mayor

CONSENT ITEMS:

Order 126-24/25 Granting Municipal Officers' Approval of Diligence LLC, dba Cargo Pizza. Application for Class III & IV with Outdoor Dining on Private Property at 1045 Forest Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 1/13/25. Location was previously Falafel Time. New City and State applications.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 127-24/25 Declaring June 29, 2025 the Water Lantern Festival - Sponsored by Danielle P. West, City Manager

An estimated 2000 people are anticipated to attend this years' Water Lantern Festival in Deering Oaks Park. The event consists of music from the stage, food trucks, artisans, and fun games in the festival area where participants take in the environment leading up to the lantern launch. Just after sunset attendees will release their paper lanterns into the pond of Deering Oaks. Lanterns will be collected from the pond at the conclusion of the event.

Five affirmative votes are required for passage after public comment.

Order 128-24/25 Declaring June 7, 2025 The Shipyard Old Port Half Marathon and 5K Festival - Sponsored by Danielle P. West, City Manager

The Shipyard Old Port Half Marathon and 5k is a for-profit event that benefits nonprofit partners, including A Running Passion and various school groups.

This will be the 14th year the race has been held in the City. The 2025 races will have an estimated 4500 runners participating. The race courses will be the same as it was in 2024. Race organizers work with businesses throughout the Old Port and the waterfront to inform them about expected impacts and to develop contingency plans.

Five affirmative votes are required for passage after public comment.

ORDERS:

Order 129-24/25 Accepting the Portland Public Art Committee Fiscal Year 2024 Annual Report and Fiscal Year 2025 Budget Plan - Sponsored by Danielle P. West, City Manager

On September 18, 2024, the Portland Public Art Committee voted (10-0, Pelletier absent) to recommend the Fiscal Year (FY) 24 Annual Report and FY25 Budget Plan to the Portland City Council.

Five affirmative votes are required for passage after public comment.

Order 130-24/25 Accepting and Appropriating a \$15,500 StrengthenME Grant for the Coastal Cumberland County Project - Sponsored by Danielle P. West, City Manager

MaineHealth through its StrengthenME Crisis Counseling Program within its CHI/Community Health Program has partnered with the City of Portland Sustainability Office to provide \$15,500 for community outreach and education activities. The funds will support the Coastal Cumberland County Project and its programs to enhance social and community resilience in Portland neighborhoods.

This item must be read on two separate days. This is its first reading.

AMENDMENTS:

Order 131-24/25 Amendment to Portland City Code Chapter 10 RE: Regulation of Explosives - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Anna Bullett, Chair

The Health & Human Services and Public Safety Committee met on January 14, 2025 and voted 4 - 0 to recommend passage to the full Council. This item relocates regulations of explosives from the Land Use Code (Chapter 14) to Fire Prevention and Protection (Chapter 10), which will support enforcement and public safety.

This item must be read on two separate days. This is its first reading.

EXECUTIVE SESSION:

ADJOURNMENT:

ZOOM INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

<https://portlandme.portal.civicclerk.com/event/7630/media>

PLEDGE OF ALLEGIANCE:

Mayor Dion led those present in the Pledge of Allegiance.

ROLL CALL:

Mayor Dion called the meeting to order at 5:02pm

Councilors Present: Councilor Grant, Councilor Sykes, Councilor Bullett, Councilor Pelletier, Councilor Michniewicz, Councilor Phillips, Mayor Dion

Councilors Absent: Councilor Fournier, Councilor Ali

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Mayor Dion opened the floor for public comment. The following individuals spoke:

Mary (Oxford Hills Resident)

ANNOUNCEMENTS:

Mayor Dion opened the floor for Council announcements. The following individuals spoke:

RECOGNITIONS:

PRESENTATIONS:

SPECIAL MEETING:

Special Meeting of the Corporator of the Creative Portland Corporation

Motion was made by Councilor Bullett and seconded by Councilor Michniewicz to recess the meeting of the City Council and convene the Special Meeting of the Corporator of the Creative Portland Corporation. Passage: 7-0 (Councilors Fournier & Ali absent)

Order 120-24/25 Appointing Director to the Board of the Creative Portland Corporation - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

Motion was made by Councilor Bullett and seconded by Councilor Phillips for passage. Passage: 7-0 (Councilors Fournier & Ali absent)

Mayor Dion opened the floor for public comment. No one spoke.

Special Meeting of the Corporator of the Portland Fish Pier Authority (Merged with Fish Exchange)

Motion was made by Councilor Sykes and seconded by Councilor Michniewicz to recess the meeting of the Corporator of the Portland Corporation and convene the Special Meeting of the Corporator of the Portland Fish Pier Authority. Passage: 7-0 (Councilors Fournier & Ali absent)

Order 121-24/25 Appointing Directors to the Board of the Portland Fish Pier Authority - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

Motion was made by Councilor Phillips and seconded by Councilor Bullett for passage.

Passage: 7-0 (Councilors Fournier & Ali absent)

Mayor Dion opened the floor for public comment. No one spoke.

Motion was made by Councilor Sykes and seconded by Councilor Michniewicz to recess the meeting of the Corporator of the Portland Fish Pier Authority and convene the regular Meeting of the City Council. Passage: 7-0 (Councilors Fournier & Ali absent)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting- January 6, 2025

Motion was made by Councilor Sykes and seconded by Councilor Phillips for passage.

Passage: 7-0 (Councilors Fournier & Ali absent)

Mayor Dion opened the floor for public comment. No one spoke.

PROCLAMATIONS:

Proclamation 22-24/25 Recognizing Black History Month 2025 - Sponsored by Mark Dion, Mayor

Motion was made by Councilor Phillips and seconded by Councilor Michniewicz to postpone until February 3, 2025. Passage: 7-0 (Councilors Fournier & Ali absent)

APPOINTMENTS:

Order 122-24/25 Appointing Members to Various Boards & Committees - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

Motion was made by Councilor Sykes and seconded by Councilor Bullett for passage.

Passage: 7-0 (Councilors Fournier & Ali absent)

Mayor Dion opened the floor for public comment. The following individuals spoke: Councilor Phillips, Councilor Bullett, Ashley Rand (City Clerk)

Order 123-24/25 Amending Order 110-24/25 by Adding and Removing Constables for the Portland Housing Authority - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Michniewicz and seconded by Councilor Grant for passage as an emergency. Passage: 7-0 (Councilors Fournier & Ali absent)

Mayor Dion opened the floor for public comment. The following individuals spoke: George Rheault (Hanover Street), Councilor Sykes, Councilor Dion, Michael Goldman (Corporation Counsel)

**Item passed as an emergency. Takes effect immediately.*

CONSENT ITEMS:

Order 124-24/25 Granting Municipal Officers' Approval of Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class III & IV with Combined Entertainment and Outdoor Dining on Private Property at 103 Fox Street - Sponsored by Danielle P. West, City Manager

Orders 124-24/25 through Orders 125-24/25 were all read and passed as consent items.
Public comment was taken on all orders together.
Motion was made by Councilor Bullett and seconded by Councilor Phillips for passage.
Passage: 7-0 (Councilors Fournier & Ali absent)
Mayor Dion opened the floor for public comment. No one spoke.

Order 125-24/25 Granting Municipal Officers' Approval of The Hideout LLC, dba Franciska. Application for Class I FSE at 111 Middle Street - Sponsored by Danielle P. West, City Manager

Orders 124-24/25 through Orders 125-24/25 were all read and passed as consent items.
Public comment was taken on all orders together.
Motion was made by Councilor Bullett and seconded by Councilor Phillips for passage.
Passage: 7-0 (Councilors Fournier & Ali absent)
Mayor Dion opened the floor for public comment. No one spoke.

COMMUNICATIONS:

Communication 8-24/25 Annual Report of the Land Bank Commission - by Simon Rucker, Land Bank Commission

Simon Rucker (Land Bank Commission) provided Communication 8-24/25 Annual Report of the Land Bank Commission.

The following Councilors commented on this communication: Councilor Bullett, Councilor Sykes, Mayor Dion, Michael Goldman (Corporation Counsel)

As a communication, this item requires no public comment or formal Council action.

UNFINISHED BUSINESS:

Order 119-24/25 Approving and Appropriating a Federal Aviation Administration Administered Airport Improvement Program and Airport Infrastructure Federal Fiscal Year 2025 Grants - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Bullett and seconded by Councilor Sykes for passage.
Passage: 7-0 (Councilors Fournier & Ali absent)
Paul Bradbury (Director of Jetport) provided an overview of this item.
Mayor Dion opened the floor for public comment. The following individuals spoke:
George Rheault (Hanover Street)

ADJOURNMENT:

Motion was made by Councilor Michniewicz and seconded by Councilor Bullett to adjourn. Passage 7-0 at 5:50 pm. (Councilor Fournier & Ali absent)

A TRUE RECORD

Ashley Rand, City Clerk

**CITY OF PORTLAND
IN THE CITY COUNCIL**

P R O C L A M A T I O N
RECOGNIZING BLACK HISTORY MONTH 2025

WHEREAS, African people were involuntarily brought to the shores of what is now the continental United States as early as 1526; and

WHEREAS, peoples brought forcibly to the United States of America from Sub-Saharan Africa and their descendents were enslaved by law until the Emancipation Proclamation of 1862, and subsequently faced the injustices of lynch mobs, Jim Crow-era segregation laws, and the denial of their fundamental human rights; and

WHEREAS, the descendants of enslaved Africans in the United States of America are known as Black Americans or African Americans; and

WHEREAS, Black Americans have come out from the adversity of their past to make significant contributions to American life and society; and

WHEREAS, the month of February is officially celebrated as Black History Month, which dates back to 1926 when Dr. Carter G. Woodson conceived of setting aside a special week in February to recognize the heritage and achievements of Black Americans; and

WHEREAS, countless Black Americans throughout the City's history contributed to making Portland the welcoming place it is today; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council do hereby:

- 1) recognize the significance of Black History Month as a time to acknowledge and celebrate the contributions of Black Americans in our nation's history and encourage the continued annual celebration of Black History Month to provide opportunities for all Portland's residents to learn, examine, and better understand how history has shaped this nation; and
- 2) recognize the ways in which the City of Portland's ethnic and racial diversity enriches and strengthens our community; and
- 3) encourage all centers of education in the City of Portland to include in their year-round educational curriculum the history and contributions of Black Americans in Portland, the United States, and around the world.

Signed and sealed this 3rd day of February, 2025



**Mark Dion, Mayor
City of Portland**

P R O C L A M A T I O N
RECOGNIZING
THE 50TH ANNIVERSARY OF MEDICAL CRISIS UNIT “MedCU”

WHEREAS, ambulance transport in the city of Portland can be tracked back as far as the early 1900’s using a horse drawn ambulance. This would progress to myriad of organizations providing this service including the Police Department, Hay & Peabody Funeral Home, the Fire Department until 1975; and

WHEREAS, the City of Portland established the MedCU. In 1975 to provide critical, life-saving emergency medical care and transport to its citizens; and

WHEREAS, MedCU’s have delivered exceptional emergency medical services for five decades, responding to countless emergencies with professionalism and compassion; and

WHEREAS, the dedicated paramedics and EMTs of MedCU have served as a pillar of strength and reliability, enhancing public safety and improving health outcomes for the Portland community; and

WHEREAS, MedCU commitment to innovation, training, and community education has positioned City of Portland as a leader in pre-hospital emergency care; and

WHEREAS, the MedCU was formally integrated with the Portland Fire Department in 1997 to unify the fire, rescue, emergency medical services; and

WHEREAS, February 18, 2025, marks the 50th Anniversary of MedCU’s, and it is fitting to honor this milestone and recognize the individuals who have contributed to its success;

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize and commend the Portland Fire Department on the occasion of MedCU’s 50th Anniversary and express our deepest gratitude for their unwavering dedication and outstanding service to the community.

Signed and sealed this 3rd day of February, 2025



Mark Dion, Mayor
City of Portland

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 17, 2025

SUBJECT: Order 126-24/25 Granting Municipal Officers' Approval of Diligence LLC, dba Cargo Pizza. Application for Class III & IV with Outdoor Dining on Private Property at 1045 Forest Avenue - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. **Do NOT** write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 1/13/25. Location was previously Falafel Time. New City and State applications.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 2025.02.03_Cargo Pizza_Council Order
2. 2025.02.03_Cargo Pizza_Council Packet

Prepared by:

Date: 01/17/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Diligence LLC, dba Cargo Pizza. Application for Class III & IV with Outdoor Dining on
Private Property at 1045 Forest Avenue**

Letter of Intent

This letter is to the Mayor and City Counsel of Portland. My intent is to serve beer and wine, along with food, at my new restaurant opening soon.

The address is: 1053 Forest Ave Portland

Sincerely,

Dimitrios Mihos

Gregory Mihos



CITY OF PORTLAND
Permitting and Inspections Department

State of Maine
File # 35034

Application for Food Service Establishment with Alcoholic Beverages License

Business Information		
Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A):	
DILIGENCE LLC	CARGO PIZZA	
Individual or Sole Proprietor Applicant Name(s):	Physical Location:	
	1045 FOREST AVE PORTLAND 04103	
If applicable, what was formerly at this location:	Business Email Address:	
Falafel Time	gregory.mihos@gmail.com	
Mailing Address:	Contact Person:	
P.O. BOX 608 SCARBOROUGH, ME 04070	207-730-0900	
Contact Person Phone:	Contact Person Email:	
Manager of Establishment:	Date of Birth:	Manager Phone:
GREGORY MIHOS	8/8/92	(207) 730-0900
Owner of Premises (Landlord):	Address of Premises Owner (Landlord):	
CHRIS LEFEVRE	200 RIVERSIDE INDUSTRIAL PARKWAY PORTLAND	

Sole Proprietor/Partnership Information (If Corporation, leave blank)		
Name of Owner(s):	Date of Birth:	Residence Address:
Name of Owner(s):	Date of Birth:	Residence Address:

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)			
Corporate Name:		Corporate Mailing Address:	
DILIGENCE LLC		P.O. BOX 608 SCARBOROUGH, ME 04070	
Contact Person:		Contact Phone:	
DIMITRIOS MIHOS		(207) 776-8635	
Principal Officers	Title	Date of Birth	Residence Address
DIMITRIOS MIHOS	MEMBER	3-2-60	1 STRAWBERRY FIELDS SCARBOROUGH
SANDRA MIHOS	MEMBER	10-17-61	SAME AS ABOVE
GREGORY MIHOS	MEMBER	8-8-92	139 BROADWAY UNIT # 16
			SOUTH PORTLAND



CITY OF PORTLAND
Permitting and Inspections Department

Class of Liquor License (see fee schedule): <u>CLASS III & IV (MALT AND VINOLUS)</u>		
Type of food served:	<u>PIZZA, BURGERS, WINGS, FRIED FOOD, BREAKFAST SANDWICHES</u>	
Please select all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: <u>85%</u>	Generated from Alcohol: <u>15%</u>
Hours & days of operation:	<u>SEVEN DAYS A WEEK 7AM - 9PM</u>	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☐	☒
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☐	☒
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒	☐
If yes, will the outside dining be on: ☐ PUBLIC property or ☒ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date? : <u>1-27-25</u>		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒	☐
If Yes, please list business name(s) and location(s): <u>CARGO PIZZA FOOD TRUCK</u>		
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☐	☒
If Yes, please explain:		

I DIMITRIOS MIHOS do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title MEMBER Date 1-10-25



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Private Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00 ☒ Legal Advertisement Deposit \$100.00

Business Information	
Business Name (d/b/a):	CARGO PIZZA
Location Address:	1053 FOREST AVE PORTLAND ME
Mailing Address:	P.O. BOX 608 SCARBOROUGH, ME
Contact Person:	DIMITRIOS MIHOS
Contact Person Email:	DMIHOS@MAINE.PR.COM
Manager of Establishment:	GREGORY MIHOS
Owner of Premises (Landlord):	CHRIS LEFEVRE
Address of Premises Owner:	200 RIVERSIDE INDUSTRIAL PARKWAY PORTLAND

Owner Information

Corporate Name	Corporate Mailing Address	Zip:	
DILIGENCE LLC	PO BOX 608 SCARBOROUGH, ME	04070	
Contact Person:	DIMITRIOS MIHOS	Phone: (207) 776-8635	
Principal Officers	Title	Date of Birth	Residence Address
DIMITRIOS MIHOS	MEMBER	3-2-60	1 STRAWBERRY FIELDS LN SCARBOROUGH 04074
SANDRA MIHOS	MEMBER	10-17-61	SAME AS ABOVE
GREGORY MIHOS	MEMBER	8-8-92	139 BROADWAY UNIT #16
			S. PORTLAND, ME



CITY OF PORTLAND
Permitting and Inspections Department

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature [Signature] Title MEMBER Date 1-10-25

For Administrative Use Only

Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	/	_____
CC _____ CA _____ CK _____	Health: _____	/	_____
	PD: _____	/	_____
Amount: _____	Treasury: _____	/	_____
Date Paid: _____	Zoning: _____	/	_____
CC _____ CA _____ CK _____			



Cargo Pizza Menu

Breakfast Menu:

- Coffee / Juice
- Breakfast Sandwiches
- Pastries

Lunch/Dinner Menu:

- Soda / Coffee / Beer / Wine
- Pizza
- Smash Burgers
- Chicken Fingers
- French Fries
- Mozzarella Sticks
- Chicken Wings
- Dessert (Tiramisu / Cookies / Whoopie Pies)

Cargo Pizza_1045 Forest_Class 3-4

Zoning <zoning@portlandmaine.gov>

Fri, Jan 17, 2025 at 3:35 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Zachary Finley <zackf@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <kim.lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Good Afternoon,

The legal use for the front right unit at 1045 Forest AVE, CBL: 146 E009001 is restaurant. Zoning approves.

Thank you,

Mac

--

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]

City of Portland | Permitting and Inspections
Zachary Lenhart, Licensing and Housing Safety Manager



January 28, 2025

Diligence LLC
49 Washington Avenue
Portland, Maine 04101

Re: Diligence LLC, dba Cargo Pizza. Application for Class III & IV with Outdoor Dining on Private Property at 1045 Forest Avenue

Dear Diligence LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday February 3, 2025 at 5:00 p.m., for the review of application for Class III & IV with Outdoor Dining on Private Property at 1045 Forest Avenue. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 3, 2025 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Diligence LLC, dba Cargo Pizza. Application for Class III & IV with Outdoor Dining on Private Property at 1045 Forest Avenue - Sponsored by Danielle P. West, City Manager



State of Maine

Bureau of Alcoholic
Beverages & Lottery
Operations

Application Copy

File Number: 35034

Job Type: New Application

LICENSE TYPE

On-Premises: Beer & Wine

APPLICATION DATE RECEIVED

2025-01-10

SECONDARY LICENSE(S)

None selected

LICENSEE LEGAL NAME

DILIGENCE LLC

LICENSEE TYPE

Limited Liability Company

DOING BUSINESS AS

CARGO PIZZA

CORPORATE NUMBER

INCORPORATION DATE

CORRESPONDENCE ADDRESS

PO BOX 608 SCARBOROUGH ME 04070

MAILING ADDRESS

PHYSICAL ADDRESS

CONTACT NAME

Dimitrios Mihos

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(207) 776-8635

ALTERNATE PHONE

FAX

EMAIL

dmihos@maine.rr.com

CORPORATE STRUCTURE

None selected

ADDITIONAL INFORMATION

MANAGED BY AGENT

No

PREMISES TYPE

Class A Restaurant

PREMISES NAME

CARGO PIZZA

OPERATOR

PHYSICAL ADDRESS

1053 FOREST AVE PORTLAND ME 04103

MAILING ADDRESS

1053 FOREST AVE PORTLAND ME 04103

CONTACT NAME

Dimitrios Mihos

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(207) 776-8635

ALTERNATE PHONE

FAX

EMAIL

dmihos@maine.rr.com

QUESTIONS

On-Premises: Beer & Wine

1. Is your business and "Doing Business As" (DBA) name registered and in good standing with the Maine Secretary of State? If not, please address this with the Secretary of State before proceeding with this application.

Answer "No" if you are a Sole Proprietor.

Yes

20194303DC

2. What is your expected start date?

1/26/24

3. Has/have applicant(s) formerly held a Maine liquor license?

Yes

CAR-1999-9253

ROMEOS PIZZA

201 US RT 1 SCARBOROUGH, MAINE 04074

4. Do licensee or applicant(s) have any interest in any other Maine Liquor License?

Yes

RES-2003-5944

THE LICENSE HAS EXPIRED AS OF TODAY. IN PROSSES OF RENEWAL.

ROMEOS PIZZA TOPSHAM FAIR MALL TOPSHAM MAINE

5. Are all licensees/applicants residents of the State of Maine?

Yes

6. Are all licensees/applicants citizens of the United States?

Yes

7. Is your license for a club with a membership?

No

8. Is your license application for Vessel Corporation?

No

9. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?"

No

10 Do you allow dancing or entertainment on the licensed premises?
If so, You need to have a a license from the Maine State Fire Marshal.
See <https://www.maine.gov/dps/fmo/plans-review/applications> for more information.

No

11 Will any law enforcement officer directly benefit financially from this license, if issued?

No

12 Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

No

13 Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine?

No

14 Do you have a manager employed?

Yes

GREGORY MIHOS 8/8/92

15 Has any of the listed applicants or an employed manager been denied a liquor license within the last 5 years?

No

16 Is any of the listed applicants the spouse, father, mother, child or other immediate family member of a person whose liquor license has been revoked or denied in the last 6 months?

No

17 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

18 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?

No

19 Does the licensee/applicant(s) own the premises?

No

(document uploaded)

20 At which address are your business records located?

201 US RT1 SCARBOROUGH,ME 04074

21 What will be your business hours? Please indicate each day's open and close times.

7AM-9PM 7DAYS A WEEK

22 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.

1MILE

23 Is your application for a Hotel or Bed & Breakfast?

No

24 Do you have a food menu?

No

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Lease/Rental Agreement	FOREST AVE LEASE.pdf	LEASE
Premises Floor Plan	LAY OUT.pdf	FLOOR PLAN
Corporate Supplemental Form	102 Supplemental Ownership Form and Affidavit-2.pdf	CORPORATE FORM
Corporate Supplemental Form	102 Supplemental Ownership Form and Affidavit-2.pdf	
Lease/Rental Agreement	FOREST AVE LEASE.pdf	
Premises Floor Plan	LAY OUT.pdf	

APPLICANT

Dimitrios Mihos

DECLARATION

- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

**STATE OF MAINE**

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Supplemental Ownership Form

28-A M.R.S. §651

All Questions Must Be Answered Completely.

1. Company or sole proprietor legal name: DILIGENCE LLC	2. Date of incorporation/registration: 1-30-2019	3. State of incorporation: MAINE
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List the following information for officers, directors, owners equal to or over 10%, and persons with indirect financial interest in the applicant.

Name	Date of Birth	Phone or E-mail	Address	Title	Ownership Stake (%)
DIMITRIOS MIHOS	3/2/1960	207 7768635	1 STRAWBERRY FIELDS LN SCARBOROUGH, ME 04074	MEMBER	25
SANDRA MIHOS	10/17/1961	207 6533102	1 STRAWBERRY FIELDS LN SCARBOROUGH, ME 04074	MEMBER	25
GREGORY MIHOS	08/08/1992	207 7300900	139 BROADWAY UNIT#16 SOUTH PORTLAND	MEMBER	50

MEMORANDUM
City Council Agenda Item

FROM: Andrew Ranson Keyek
DATE: January 23, 2025
SUBJECT: Order 127-24/25 Declaring June 29, 2025 the Water Lantern Festival - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle P West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No Organizer needs approval for event planning process.

Does this item involve a new contract with the City: No

PRESENTATION: Event organizers and Andrew Downs, Director of Public Assembly Facilities will be available to answer any questions.

I. SUMMARY

Order declaring Water Lantern Festival on Saturday June 29th 2025 as a festival.

II. AGENDA DESCRIPTION

An estimated 2000 people are anticipated to attend this years' Water Lantern Festival in Deering Oaks Park. The event consists of music from the stage, food trucks, artisans, and fun games in the festival area where participants take in the environment leading up to the lantern launch. Just after sunset attendees will release their paper lanterns into the pond of Deering Oaks. Lanterns will be collected from the pond at the conclusion of the event.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

This will be the third year the water lantern festival has been held in Deering Oaks Park.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City Council will declare the Water Lantern Festival on Saturday June 29th 2025 as a festival.

V. FINANCIAL IMPACT

All expenses for City Staff, permits and equipment usage will be paid by the organizer.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division as worked with the organizers of this event in the past and we are confident in their ability to host this event.

VII. RECOMMENDATION

It is recommended that the order be declared.

VIII. LIST ATTACHMENTS

1. Consent Item - Water Lantern Festival
2. 2025 Water Lantern Event Components Portland
3. Water Lantern Event

4. Water Lantern Application
5. Water Lantern Site Plan

Prepared by:

Andrew Ranson Keyek

Date: 01/23/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER DECLARING JUNE 29, 2025
THE WATERN LANTERN FESTIVAL**

ORDERED, that June 29, 2025 is hereby declared the Water Lantern Festival, sponsored by One World Lantern Festival, LLC; and

BE IT FURTHER ORDERED, that the Water Lantern Festival area shall be the Deering Oaks Park Bandstand and the grass areas surrounding it, the Ravine Water Play Area, the Bowling Green grass area and park roadways including Tennis Court Road, King Court, Jenny Lane and Farmers Market Road, but Deering Oaks Park will remain open and available to the public during the event; and

BE IT FURTHER ORDERED, that the Water Lantern Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to One World Lantern Festival, LLC under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. One World Lantern Festival, LLC shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$1,000,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. One World Lantern Festival, LLC shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;
3. One World Lantern Festival, LLC shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food

service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to;

4. One World Lantern Festival, LLC shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Water Lantern Festival;

5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors and street goods vendors for the Festival to those vendors One World Lantern Festival, LLC has agreed shall participate;

6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level.

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

Event Schedule

Friday, June 28th - Deliveries

Sunday, June 29th - Set Up & Event Day

Friday, June 28th, 2025 9 AM- 12 PM

- Portable Toilets arrive (8 reg, 1 ADA, 2 hand washing stations)
- Dumpster Arrives (30 YD)

Sunday, June 29th, 2025

- 7:30 AM - I accept orders
- 8:00 AM - WLF Staff Arrives
- 9:00 AM - 1:00 PM Set up Crew Shift
- 9:00 AM - 1:00 PM - Event Set Up. 10 X 10 tents (5) go up, decorations go up, stage goes up.
- 1:30 PM - 3:30 PM - Vendor arrive & set up
- 4:00 PM - Event Crew arrives
- 5:30 PM- Gates open. Attendees start arriving, music starts playing, DJ will start making announcements
- 5:30 PM - 7:45 PM - Food, games, lantern decorating
- 7:45 PM - Testimonials
- 8:15 PM - Lantern release demonstration, and “guided meditation” activity.
- 8:30 PM - 9:30 PM - Lantern Launch
- 9:30 PM - Event ends
- 9:30 PM - 11:30 AM- Clean Up
 - Retrieve Lanterns
 - Tents taken down
 - Stage taken down
 - Trash clean up

Monday, June 30th, 2025

- 7:00 AM - Final Walk through

Event Components

Sound Levels

- The sound will not reach above 100 decibels. The event will start at 5:30 PM and end at 9:30 PM, all of the sound and music will be in those few hours. There will be no noise after 9:30 PM.

Neighborhood Impacts

- The music will stay contained in the park along with all activities. There shouldn't be any neighborhood impacts. The only impact will be the participants parking near the surrounding areas.

Road Closures

- We are not requiring any road closures. We will use the street in the middle of the park for food trucks.

Security

- We will have one security guard at the event to monitor participants. Our event is very mellow but we have security there if any assistance is needed.

EMS

- We will have one Paramedic/ EMT at our event in case of emergency.



Description of Events

The Water Lantern Festival is an incredible event that promotes peace, community, connection, and love. It's an awe-inspiring experience that brings together families, friends, and strangers to celebrate our lives, our freedoms, and this beautiful world.

This is a time that we can come together, love one another, and heal ourselves. Reflect on your life, share your dreams, and feel the peace of all those around you as the lanterns reflect off the water. There is music from the stage, food trucks, artisans, and fun games in the festival area where participants take in the environment leading up to the lantern launch. With our highly experienced event execution team, detailed event coordination plan, and our commitment to safety and excellence, this is truly an inspiring event.

The Water Lantern Festival will begin at 5:00 PM and conclude about 60 minutes after sunset (9:00 PM).

We look forward to holding our event at First Dam, and bringing everyone an inspiring experience that they'll never forget.

Thank you for the opportunity to hold the Water Lantern Festival in your community. Please see our Safety Procedures overview below and let us know if you have any questions.

The Water Lantern Festival team is committed to:

- Coordinate with venue and city managers to ensure their standard safety policies and procedures are in place and functioning.
- Stay in close contact with local authorities in the case of adverse weather conditions.
- Provide instruction to participants regarding the proper way to release lanterns into the water during the event.
- Each event will be adequately staffed with full-time staff supervising the lantern launch as well as local security personnel and local volunteers.
- Each volunteer will be responsible for a pre-assigned segment of the festival launch area and lead volunteers will have access to a dedicated walkie talkie in the event they need to call for assistance.
- Licensed paramedics will be in attendance and on call at the event.
- The Water Lantern Festival maintains a liability insurance policy.
- Work closely with all vendors, volunteers, staff, charity partners, city partners, and others to ensure the safety of everyone involved.



Environmental Plan

Water Lantern Festival is a “leave no trace” event. Not only do we pick up the lanterns, but we pick up all of the trash we can find along the way. Lanterns are 100% biodegradable. They are made from rice paper and wood. Trash cans and recycling bins will be dispersed throughout the venue. Staff are on trash duty throughout the event and will continue to gather garbage after participants have gone home for the evening.

RECOVERY PROCEDURES PLAN

The Recovery Procedures Plan for the One World Lantern Festival consists of three separate phases:

Phase 1: During and immediately after the lantern launch.

Phase 2: Two to three hours post launch.

Phase 3: The morning after the lantern launch.

1 - DURING AND IMMEDIATELY AFTER THE LAUNCH

We will station a lantern spotter in the water (on an inflatable boat) where they will have good visibility of the lantern area. They will be equipped with walkie talkies and collection bins. Our team will remain in that general area for the duration of the launch. They will begin the cleanup of lanterns immediately with event volunteers. All lanterns will be released onto a buoyed, contained portion of the water.

2 - TWO TO THREE HOURS POST LAUNCH

The crew will be cleaning up at the venue until at least midnight. We will keep a spotter stationed while we clean up the festival and surrounding area. We will pull the buoy line in from each side to corral the lanterns. We will then send crew members and volunteers to the shoreline to assist in gathering the lanterns. We will retrieve and dispose of every lantern, and any additional trash that we see.

3 - MORNING AFTER THE LAUNCH

We will arrive back at the venue in the morning with our internal crew of about 6 people. We will scour the water and the staging area and to ensure that no lanterns or trash remain.

SAFETY

Safety of our guests, partners, and staff is our top priority. We are committed to providing a safe and enjoyable event experience for everyone involved and during every aspect of the event. Our core team is very experienced in event production and understands the importance of “Safety First”.



- All staff and volunteers are trained on lantern assembly and launch.
- Trained staff are assigned specific areas
- Lanterns are 100% biodegradable and are made from rice paper and wood.
- One World Lantern Festival is a fully insured event.
- Parking and traffic flow patterns with directional signs in appropriate locations.
- Drugs and alcohol are not allowed at the event.

PRE-LAUNCH

A majority of the Water Lantern Festival guests arrive at the venue between 5:00 PM and 6:00 PM. They bring camp chairs and blankets, and find a spot in the festival area after ticketing to relax and listen to music and enjoy the atmosphere. They purchase snacks from food trucks, play games, and write on their lanterns with provided markers. Portable toilets are available for use.

THE LAUNCH

The launch will begin during the sunset. The launch window will last anywhere from 60-90 minutes.

POST LAUNCH

Approximately half of the participants leave quickly after the initial launch. The remaining participants enjoy the winding down music and trickle out by the end of the designated event time. We ask and encourage all participants to pick up any trash they see and dispose of it in the numerous trash cans dispersed throughout the festival area.

ADDITIONAL QUESTIONS

Please review our FAQs on our website at www.WaterLanternFestival.com. If you still have additional questions, feel free to email sydney@waterlanternfestival.com.



TIER II
PUBLIC PARK AND SPACE
City of Portland, Public Assembly Facilities Division
221 Canco Road Suite A
Portland, Maine 04103
207-808-5434
Rusty Groh - rgroh@portlandmaine.gov



TIER II APPLICATION FEE \$25.00

EXPECTED ATTENDANCE 301-2000

PAYMENT MUST BE MADE WHEN SUBMITTING COMPLETED APPLICATION

(This is a transferable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, 3) insurance required and 4) May Require an Area Impact Study. There may be fees due and applications required from other City Departments.

TODAY'S DATE	12/2/2024	ORGANIZATION NAME	Water Lantern Festival		
ADDRESS (Street/City/State/Zip)	881 W 700 N ST 102, Logan, UT 84321				
CONTACT NAME(S)	Sydney Head		TITLE(S)	Event Coordinator	
PHONE	541-419-4529	PHONE		PHONE	
EMAIL	sydney@waterlanternfestival.com	EMAIL		EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Deering Oaks Park		
EVENT DAY(S) & DATE(S)	June 29, 2025	RAIN DAY(S) & DATE(S) (50% added fee)	
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	7:30AM-11:30PM	EVENT START & END TIME	5:30PM-9:30PM

EVENT NAME	EVENT CLASSIFICATION Road Race, Parade, Public Assembly, Music Festival, Block Party	EXPECTED ATTENDANCE
Water Lantern Festival	Community Festival	2,000
IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: ☒ FEE ☐ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$ \$26 for Adult participation, \$12 for Youth
	STUDENT FEE	\$

DESCRIPTION OF EVENT: Please be specific regarding the area of public space/park requested and describe EVENT in detail. Please include a detailed map of the proposed event area, proposed route &/or proposed street closures when applicable. The Water Lantern Festival is an incredible event that promotes peace, community, connection, and love. It ' s an awe-inspiring experience that brings together families, friends, and strangers to celebrate our lives, our freedoms, and this beautiful world.

This is a time that we can come together, love one another, and heal ourselves. Reflect on your life, share your dreams, and feel the peace of all those around you as the lanterns reflect off the water. There is music from the stage, food trucks, artisans, and fun games in the festival area where participants take in the environment leading up to the lantern launch. With our highly experienced event execution team, detailed event coordination plan, and our commitment to safety and excellence, this is truly an inspiring event.

PLEASE CHECK OFF AND ANSWER:

Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
		X-YES	X-NO	IF YES ADD TO AREA IMPACT STUDY
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?	X		7
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 207-874-8703 for more information. PLEASE apply at least 30 days before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	X		Permit Required Include on Site Plan
*	Will you be setting up tables and/or chairs ? How many tables: chairs:	X		Include on Site Plan
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:		X	Include on Site Plan
*	Will there be refreshments at the event? There will be food trucks. Do you wish to sell food ? If so, you will need approval from the Parks, Recreation and Facilities Department and possibly a Temporary Food Service License from the Business Licensing Office. PLEASE provide them at least 30 days advance notice (207-874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X		License Required Include on Site Plan
	Do you wish to sell or provide Alcohol ? If yes, you must complete the application for a Liquor License specific to your event through the State of Maine and submit the application to the City of Portland Business office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email- MaineLiquor@maine.gov .			License Required N/A
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (207-874-8557) –30 Day notice. List items you wish to sell: T-shirts, sweatshirts, glow sticks, flower crowns	X		License Required Include on Site Plan
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Y Band? DJ? Boom Box? If so, your event may require a Entertainment License . PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		License Required Include on Site Plan & Event Components
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.		X	
*	Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.		X	
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (207-874-8493).		X	
*	Will your event require street closures ? Will your event affect METRO BUS ROUTES ? (Please be specific under "Description of Event")		X	Include on Event Components
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: https://portlandmaine-portal.app.transform.civicplus.com/forms/26740		X	Required
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.)		X	Required

	To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 207-874-8400.			
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 207-874-8910 well in advance to arrange.	No		
	Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.			
*	Will your event require portable-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. 1 unit/50 people when serving alcohol 1 unit/75 people with no alcohol	X		Include on Site Plan
*	Will your event require waste management and recycling? What is the waste management plan?	X		Include on Site Plan & Event Components

INSURANCE CERTIFICATE INFORMATION				
*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X		Required
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to rgroh@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW
The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receiving City Council approval.

ELECTRICITY
All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you not use electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY
Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher within the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES
Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by the organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call a <u>portable-restroom company</u>

TRASH
All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way.
DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees.
Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used.
If markings remain for more than a few rain storms, event organizers are responsible for removing them.
If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials.
You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable).
Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used this may need to be approved by the Portland Fire Department, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizers must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the Parks, Recreation and Facilities Office (207-808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If the event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, marijuana, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees..

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office.
If the Police Dept./City Staff receive noise complaints, they will respond accordingly.
Please set the PA System up with speakers facing away from businesses/residences to lessen impact.
Please keep volume levels low out of consideration for nearby residents and businesses.
The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

FIREWORKS

Organizers wishing to have fireworks as part of their event must contact the Portland Fire Department directly. Permits will need to be obtained through the Portland Fire Department, the State of Maine and possibly through the US Coast Guard.

CANCELATION POLICY

Events must be canceled with PAFD prior to the event date in order to be eligible for a refund.
If canceled within 2 weeks of the scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
 If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574..
 You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
 Please call Portland Police Dept. (207-874-8574) on the day of your event to remind them it is taking place.
 Please notify any nearby neighborhoods, businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should an event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If an event impacts METRO Buses, the organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.
- ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES**TYPE INITIALS****SH****DATE****12/2/24****ASSUMPTION OF RISK & LIABILITY**

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement**TYPE INITIALS****SH****DATE****12/2/24****PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.****PLEASE RETURN FORM AT LEAST 60 DAYS IN ADVANCE TO:**

- ◆ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 **EMAIL PREFERRED:** rgroh@portlandmaine.gov

FEE SCHEDULE – UPDATED JULY 1, 2019**Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.**

Simple Event (no registration fee): \$75/hour	Electricity (activation/deactivation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr	Entertainment License: \$50
Film/Photo Shoot: \$150/day	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Public Space/Park Security Deposit: \$100 - \$1000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Staff Fee (on site event support): \$37/hour	Safety Vests: \$15/ea. Security Deposit
Administrative Fee (event coordination support): \$40/hour or more	Keys: \$50/ea. Security Deposit
Reserved Parking: \$25 each space	Equipment Delivery Fee: \$100 or more
Cancellation Fee: \$75	Fortification Fee: TBD

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)

Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/deactivation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT

Checks should be made payable to City of Portland
 There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

FOR OFFICE USE ONLY							
APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

AREA IMPACT STUDY: Please be as specific as possible regarding the area of public space/park that you would like to permit and please describe the event in detail using the **AREA IMPACT STUDY(AIS) CHECKLIST**.

AIS CHECKLIST

COMPLETED

1. Description of event. Brief description of event and event history so that all departments may better understand your event request. (Downloadable format)	SH
2. Permits. Include all applicable permits from all pertinent city departments.(Fire,Police,City clerk...)	
3. Detailed site plans. Include maps of venue, parade and course routes, parking/shuttle plans, evacuation plans... (Downloadable format)	SH
4. Event components. Event time frame, sound levels, neighborhood impacts, road closures, security/police, EMS services. (Downloadable format)	SH

Merchandise -Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.)? If so, please apply for a **Street Goods Vendor License(s)** at the Business Licensing Office (207-874-8557)
<https://content.civicplus.com/api/assets/9ef5d795-ac26-4794-9e38-c2f0bb9c9f04?cache=1800>

Tents/Stages -Do you wish to set up a **tent(s)** and/or **stage(s)**? A canopy/tent or stage larger than 10'x10' needs a **Temporary Tent or Stage Permit** issued by Building Inspections
<https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8>

Alcohol sales -Do you wish to sell **alcohol**? You must complete the application for a **Liquor License** specific to your event through the State of Maine and submit application to the City of Portland Business Licensing office first. Application will need City of Portland's approval prior to going to the State. Questions?please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email- MaineLiquor@maine.gov.
<https://www.maine.gov/dafs/bablo/liquor-licensing/license-and-permit-applications>

Food Sales - Will there be food vendors? If so, you must apply for a **Temporary Food Service License** from the Business Licensing Office. <https://content.civicplus.com/api/assets/12f35a2a-e2a4-4d87-bf05-9ec89545e996?cache=1800>

Police - Will your event require **Police** assistance? <https://portlandmaine-portal.app.transform.civicplus.com/forms/26740>

Fire/EMS - Will your event require **Fire/EMS** assistance? Email Fire Department - fireprevention@portlandmaine.gov



Site Plans

Site Map

× 🔍 Deering Oaks Park, Portland, ME

📍 Deering Oaks Park

✓ 2024

🔧 Individual styles

🎤 Stage

🛒 Merchandise

🎫 Check In

🎫 Check In

🎫 Check In

🍷 Non Food Vendors

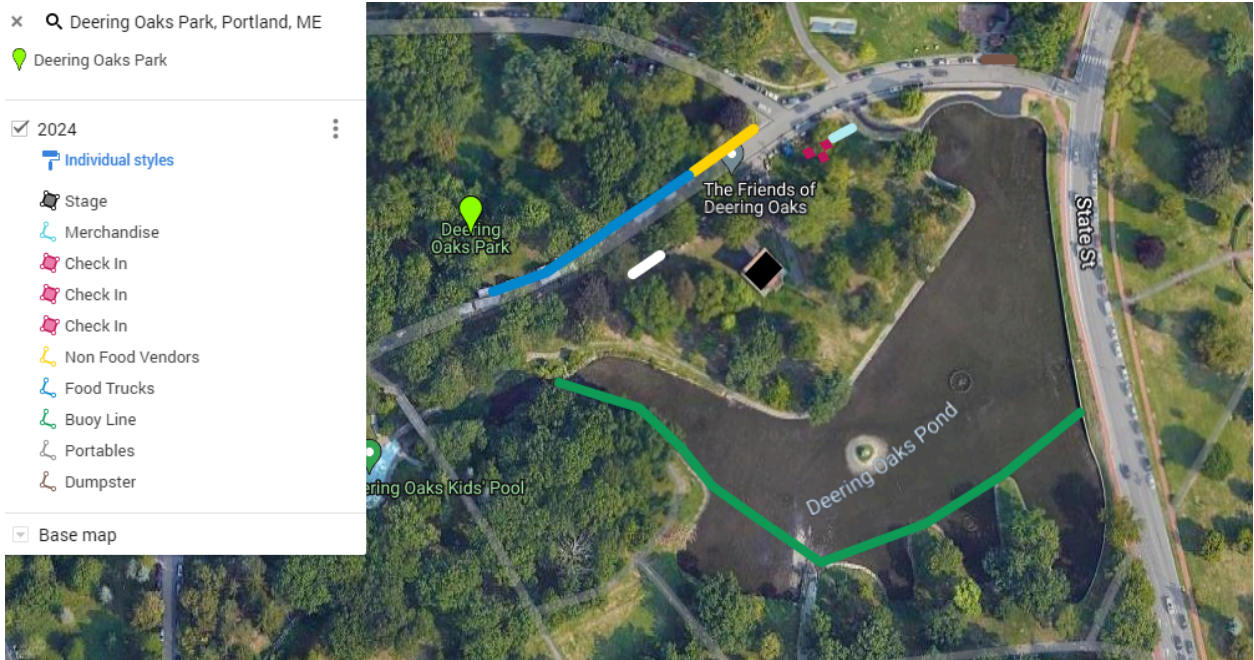
🚚 Food Trucks

🌊 Buoy Line

🚻 Portables

🗑️ Dumpster

🗑️ Base map



Parking

- The parking will be in the surrounding areas, throughout the park and the nearby streets. There will not be a need for shuttles.

Evacuation Plans

- In the case of an emergency evacuation during the festival hours, Water Lantern Festival has a set procedure to ensure communication and efficiency in response to sudden severe weather, fire-related incident, medical incident, security incident, or lost child/missing person.
- **Step 1: Immediate P/A Announcement** - Water Lantern Festival staff will be in constant communication with the DJ/MC in case of a needed announcement. Announcements will be given directly to the DJ and all music will be cut to clarify an emergency status. The Water Lantern Festival will monitor developing weather very closely and if evacuation from premises is not a feasible option, instructions will be given on how to get to the closest shelter.



- **Step 2: Utilization of Staff and Volunteers** - All staff and volunteers duties will be shifted to a designated area on-site (volunteers are trained prior to the event. Staff will assist in moving foot traffic to their cars or a sheltered area depending on the incident. Staff will take all efforts to move the crowd in an orderly manner without inciting panic.
- **Step 3: Notification of Authorities** - Upon announcement of the evacuation, the Event Coordinator and/or Event Director will work together with the venue contact to contact local authorities. Notification will start by contacting the on-site police officers, security guards, and EMT's. If additional support is needed, the Event Coordinator will contact outside emergency responders.

MEMORANDUM
City Council Agenda Item

FROM: Andrew Ransom Keyek
DATE: January 23, 2025
SUBJECT: Order 128-24/25 Declaring June 7, 2025 The Shipyard Old Port Half Marathon and 5K Festival - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 2/3/2025

**Final
Action 2/3/2025**

Can action be taken at a later date: No Organizer needs event approval for planning purposes.

Does this item involve a new contract with the City: No

PRESENTATION: Event organizer, Erik Boucher & Andrew Downs, Director of Public Assembly Facilities will be available to answer any questions.

I. SUMMARY

Order declaring Shipyard Old Port Half Marathon and 5K on June 7th 2025.

II. AGENDA DESCRIPTION

The Shipyard Old Port Half Marathon and 5k is a for-profit event that benefits nonprofit partners, including A Running Passion and various school groups.

This will be the 14th year the race has been held in the City. The 2025 races will have an estimated 4500 runners participating. The race courses will be the same as it was in 2024. Race organizers work with businesses throughout the Old Port and the waterfront to inform them about expected impacts and to develop contingency plans.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

This will be the 14th running of the Shipyard Old Port Half Marathon & 5K.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City will declare the Shipyard Old Port Half Marathon & 5 K on Saturday June 7th as a festival.

V. FINANCIAL IMPACT

All City staff, permits and equipment usage fees will be paid by the event organizers.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the even organizers on this event for a number of years and we are confident in their ability to host the event.

VII. RECOMMENDATION

It is recommended that the order be declared.

VIII. LIST ATTACHMENTS

1. Consent Item - Shipyard Old Port Half Marathon and 5k Festival

2. 2025 Shipyard Old Port Half Marathon & 5K Operations Plan
3. Area Impact Study - 2025 old port half marathon (1)
4. Council Memo - Old Port Half Marathon 2025 (1)
5. Entertainment License Application - PAFD--Old Port HM
6. Tier III Parks and Spaces Special Event Application - Old Port 2025

Prepared by:

Andrew Ransom Keyek

Date: 01/23/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER DECLARING JUNE 7, 2025
THE SHIPYARD OLD PORT HALF MARATHON AND 5K FESTIVAL**

ORDERED, that June 7, 2025 is hereby declared to be the Shipyard Old Port Half Marathon and 5K Festival, sponsored by Venture Endurance Events, LLC; and

BE IT FURTHER ORDERED, that that the festival is authorized from 3:00 a.m. – 11:30 a.m. on Saturday, June 7, 2025, with races to be held along city streets and trails; and

BE IT FURTHER ORDERED, that the Half Marathon race will start at 7:00 a.m., and the 5k race will start at 7:35 a.m.; and

BE IT FURTHER ORDERED, that the start of the Half Marathon is on Spring Street, the start of the 5k is on Cross Street, and the finish line for both races is on Spring Street; and

BE IT FURTHER ORDERED, that the Shipyard Old Portland Half Marathon and 5K Festival area shall be Spring Street from Center Street to Union Street and adjacent sidewalks; and

BE IT FURTHER ORDERED, that the following streets shall be closed to traffic for the following times or, if the race start is delayed, then at a later time:

Street	Area	Lanes Closed	Starting	Ending
Beach	York to Commercial	southbound lane	8:00 AM	10:15 AM
Bowdoin	Chadwick to Neal	eastbound lane	8:00 AM	10:00 AM
Carroll	Neal to Chadwick	westbound lane	8:00 AM	10:00 AM
Center	Spring to Fore	northbound lane	3:00 AM	12:00 PM
Center	Fore to Commercial	both lanes	7:00 AM	11:00 AM
Chadwick	Carroll to Bowdoin	southbound lane	8:00 AM	10:00 AM
Clark	Danforth to York	southbound lane	8:00 AM	10:15 AM
Clifford	Neal to Vaughan	westbound lane	8:00 AM	10:00 AM

Commercial	Union to Valley	westbound lane	7:45 AM	10:30 AM
Commercial	Valley and West Commercial	eastbound lane	7:30 AM	9:00 AM
Cross	Free to Spring		3:00 AM	12:00 PM
Cross	Fore to Commercial	both lanes	7:30 AM	10:30 AM
Cutter		both lanes	7:00 AM	9:00 AM
Danforth	Valley to Clark	both lanes	7:50 AM	10:15 AM
Fletcher		both lanes	8:00 AM	10:00 AM
Fore	Franklin St to E Prom	runners' lane on water side	6:55 AM	8:00 AM
Fort Allen Park loop		both lanes	7:00 AM	8:00 AM
Franklin	Middle St to Fore	both lanes	6:55 AM	7:15 AM
Franklin	Middle St to Fore	both lanes	7:30 AM	7:45 AM
High	York to Commercial	both lanes	7:45 AM	10:30 AM
Maple	York to Commercial	both lanes	7:45 AM	10:30 AM
Middle	Union to Franklin St	both lanes	6:55 AM	7:15 AM
Middle	Union to Franklin St	both lanes	7:30 AM	7:45 AM
Neal	Pine to Clifford	southbound lane	8:00 AM	10:00 AM
Orchard		both lanes	8:00 AM	10:00 AM
Park	York to Commercial	southbound lane	7:45 AM	10:30 AM
Pine	Western Prom to Vaughan	eastbound lane	8:00 AM	10:00 AM
Spring	Center to Union	both lanes	3:00 AM	12:00 PM
Valley	W Commercial to Danforth	right turning lane only	7:50 AM	9:45 AM
Vaughan	Pine to Danforth	both lanes	8:00 AM	10:00 AM
Western Prom	Vaughan to Bowdoin	both lanes	7:55 AM	9:45 AM
York	High to Center	runners' lane on water side	7:45 AM	10:30 AM

BE IT FURTHER ORDERED, that vehicles in violation of “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Shipyard Old Portland Half Marathon Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to Venture Endurance Events, LLC under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Venture Endurance Events, LLC shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance and alcohol liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Venture Endurance Events, LLC shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than in an area restricted to 21-years-old and older people on Spring Street from 7:30 a.m. to 12:30 p.m., with security provided by the Portland Police Department;
3. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in a contract and permit issued from Public Assembly Facilities Division shall be adhered to;
4. Venture Endurance Events, LLC shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Shipyard Old Portland Half Marathon Festival;
5. Venture Endurance Events, LLC shall hire police officers, Public Assembly Facilities Division staff and parking control officers to assist with directing traffic at street closures, and Public Assembly Facilities staff shall be hired to facilitate Venture Endurance Events, LLC's use of the festival area; and
6. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the Venture Endurance Events, LLC has agreed shall participate; and
7. Route of the course and street closing times are subject to change, depending on construction projects along the course, delays, and police recommendations leading up to the race day; and
8. Any and all amplified music/public announcements shall be maintained at a reasonable level (less than an A-weighted 85 decibels / C-weighted 95 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring businesses, limiting any sound impacts in the area; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

2025 Shipyard Old Port Half Marathon & 5K Operations Plan

Date: Saturday, June 7th, 2025

Half Marathon Start Time: 7:00 AM

5K Start Time: 7:35 AM

First 5K Finisher: 7:50 AM

Last 5K Finisher: 8:45 AM

First Half Marathon Finisher: 8:05 AM

Last Half Marathon Finisher: 10:30 AM

Start Location: Spring St & Union St

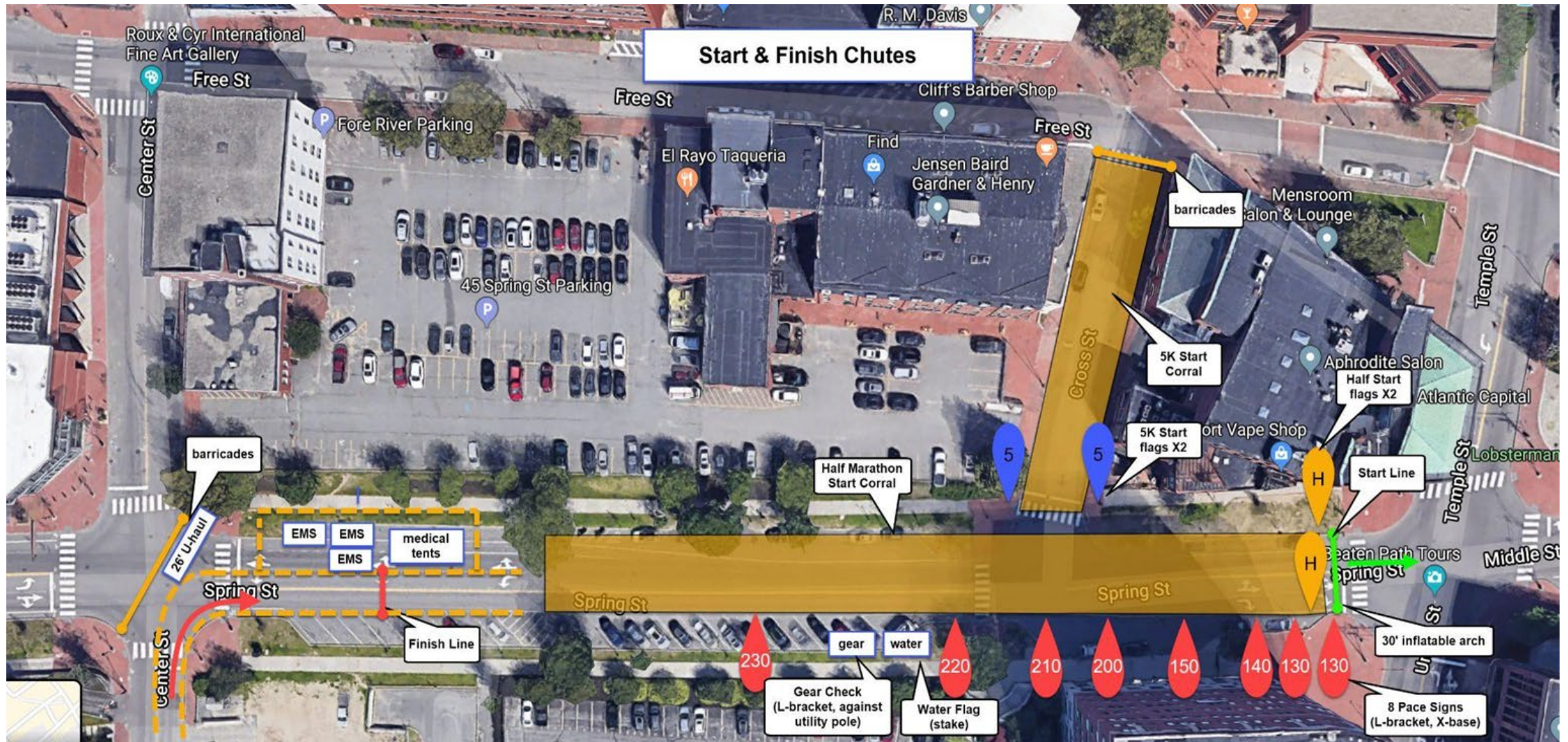
Finish Location: Spring St

Expected # of Half Marathon Finishers: 3,700

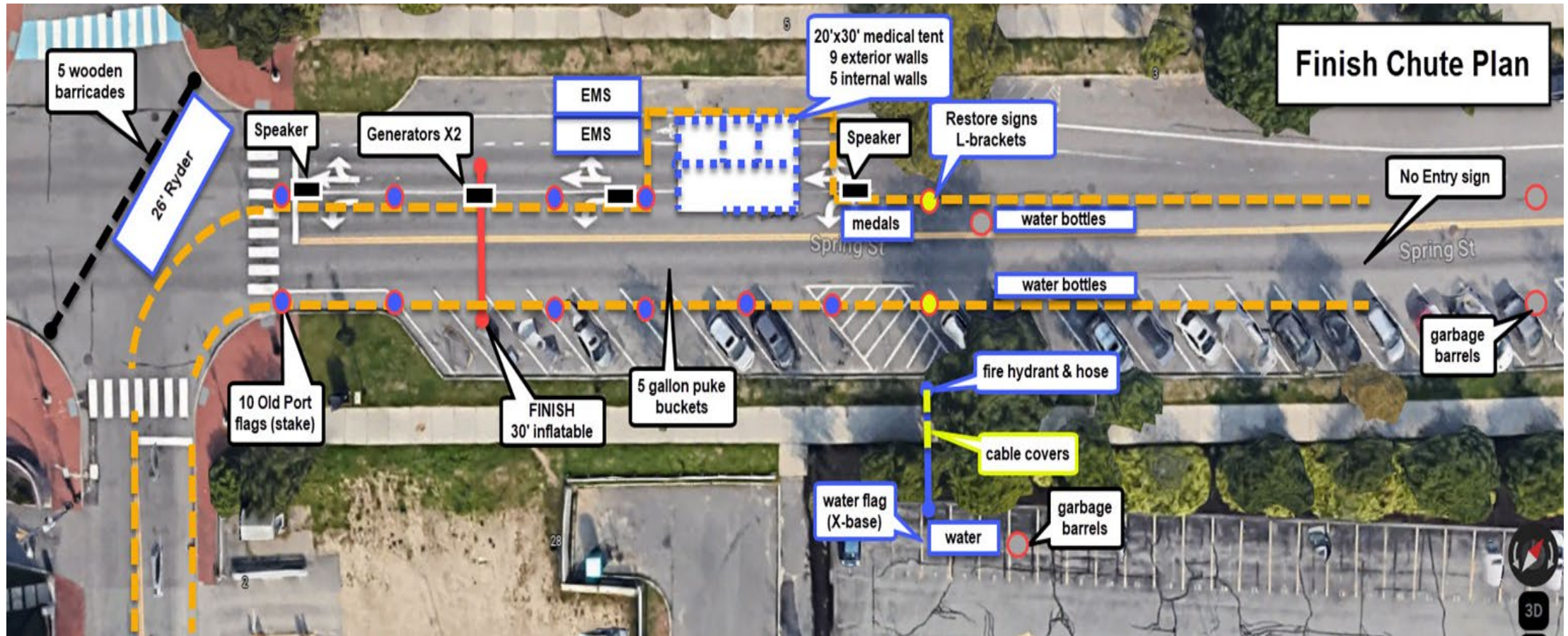
Expected # of 5K Finishers: 1,100

Unified Command Center Location: Portland Fish Pier

Start Chute Areas on Spring St and Cross St

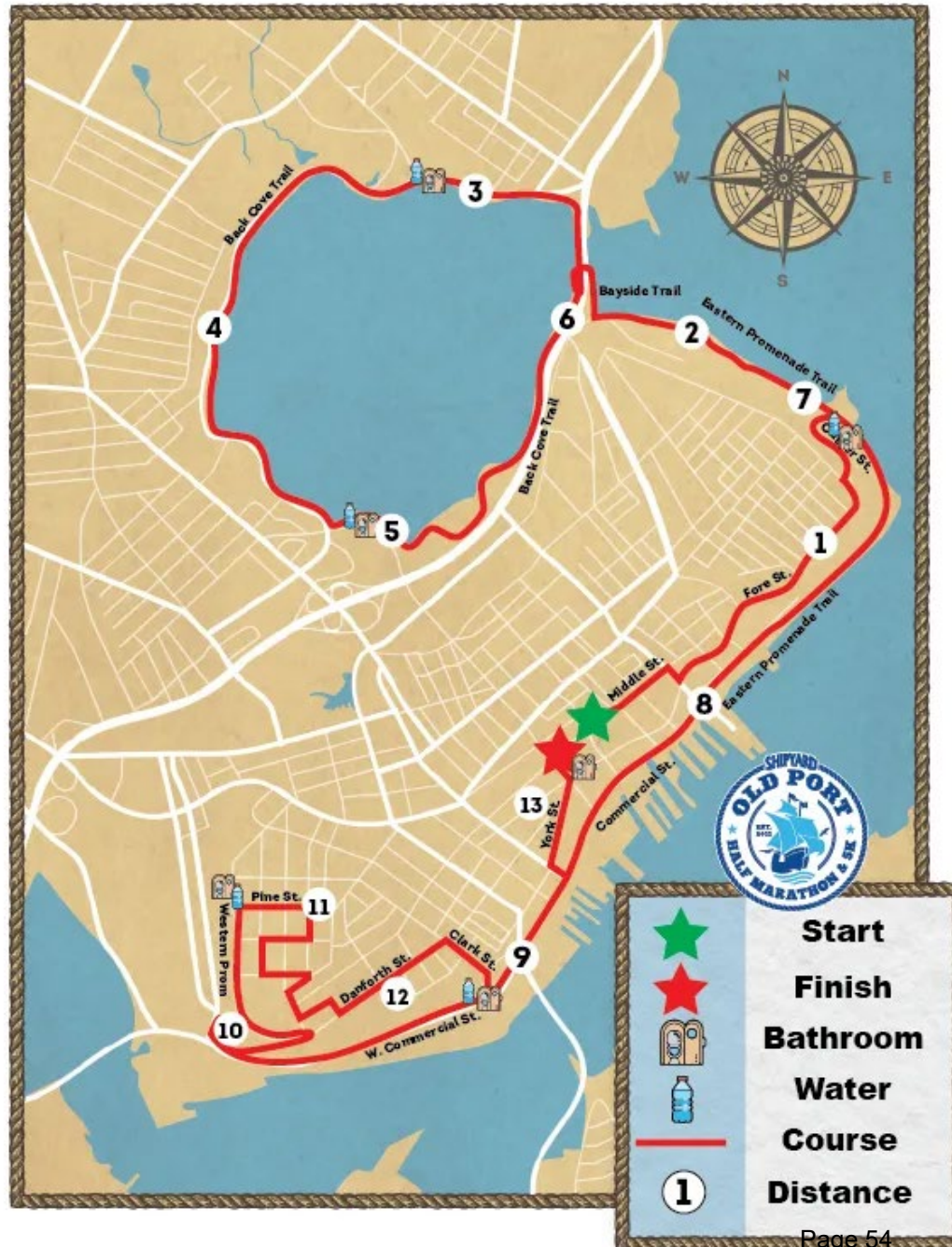


Start Chute Areas on Spring St and Cross St



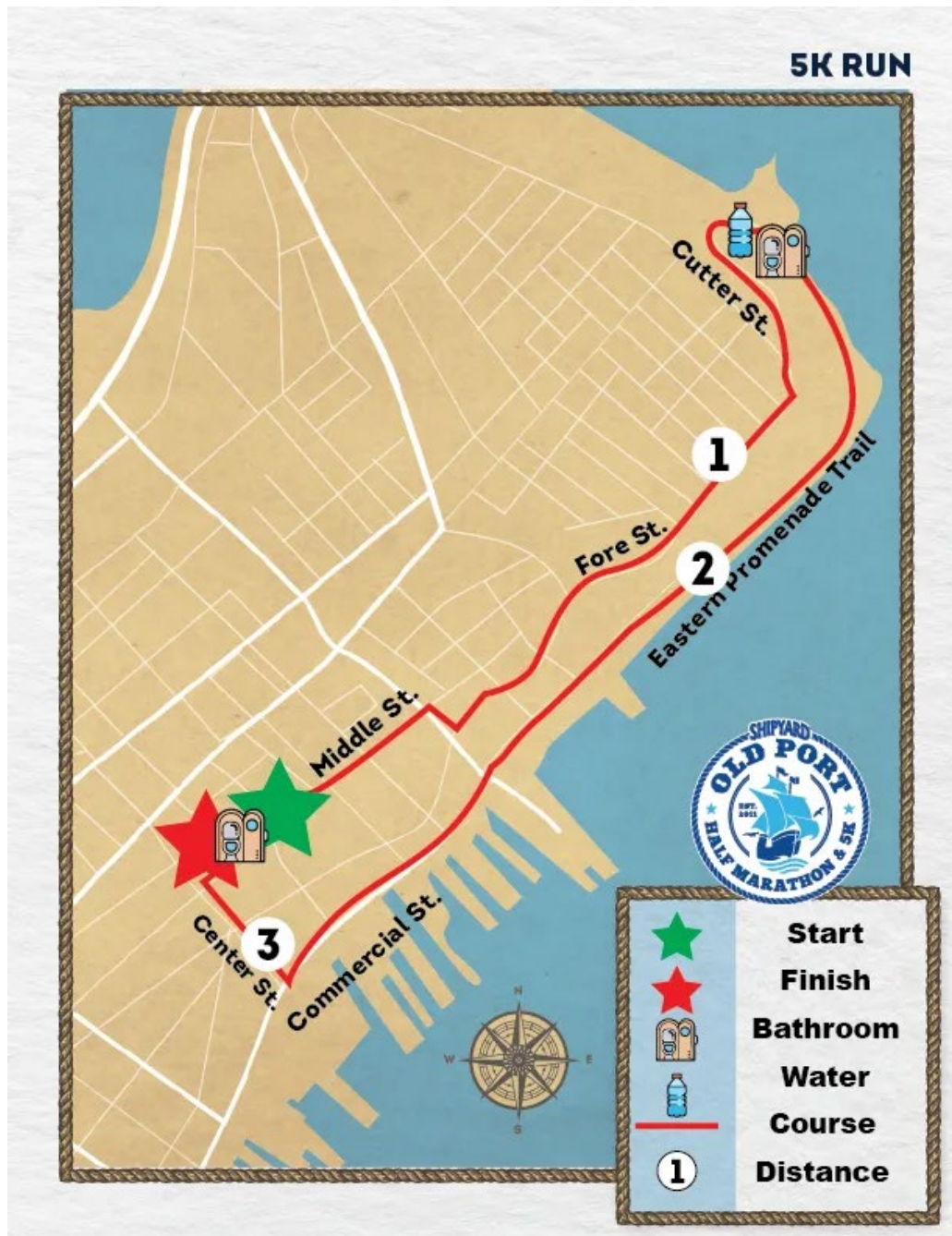
Intrusion protection: a 26' long Uhaul truck will be placed at the end of the chute to provide intrusion protection to participants from any vehicles coming down Spring or Center Streets.

Half Marathon



Turn By Turn Directions

Start on Spring St and Union St
 Straight on Middle St
 Right on Franklin St
 Left on Fore St
 Straight on Eastern Promenade
 Right on Cutter St
 Left on Eastern Prom Trail
 Right on Bayside Trail (pass under Tukey's Bridge)
 Sharp left on Back Cove Trail
 Run counter-clockwise around Back Cove
 Left on Bayside Trail
 Left on Eastern Prom Trail
 Straight on Commercial St
 Straight on West Commercial St
 Right on Valley St
 Right on Danforth St
 Left on Vaughan St
 Left on Western Promenade
 Right on Pine St
 Right on Neal St
 Right on Carroll St
 Left on Chadwick St
 Left on Bowdoin St
 Right on Neal St
 Right on Clifford St
 Left on Vaughan St
 Left on Orchard St
 Right on Fletcher St
 Left on Danforth St
 Right on Clark St
 Right on Beach St
 Left on West Commercial St
 Left on High St
 Right on York St
 Left on Center St
 Right onto Spring St to finish line



Turn By Turn Directions

Start at Spring St and Union St
 Straight on Middle St
 Right on Franklin St
 Left on Fore St
 Straight on Eastern Promenade
 Right on Cutter St
 Right on Eastern Promenade
 Cross over Franklin St
 Straight on Commercial St
 Right on Center St
 Right on Spring St to finish line

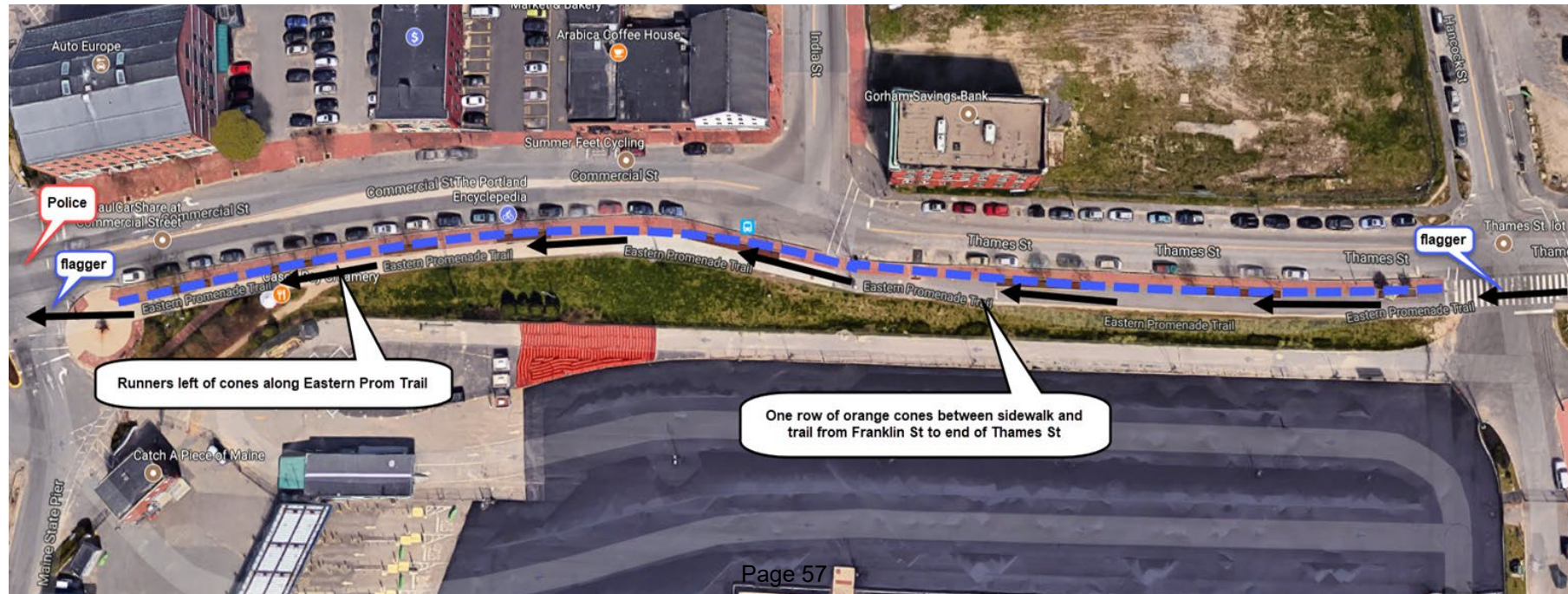
Middle Street Road Closure Plan



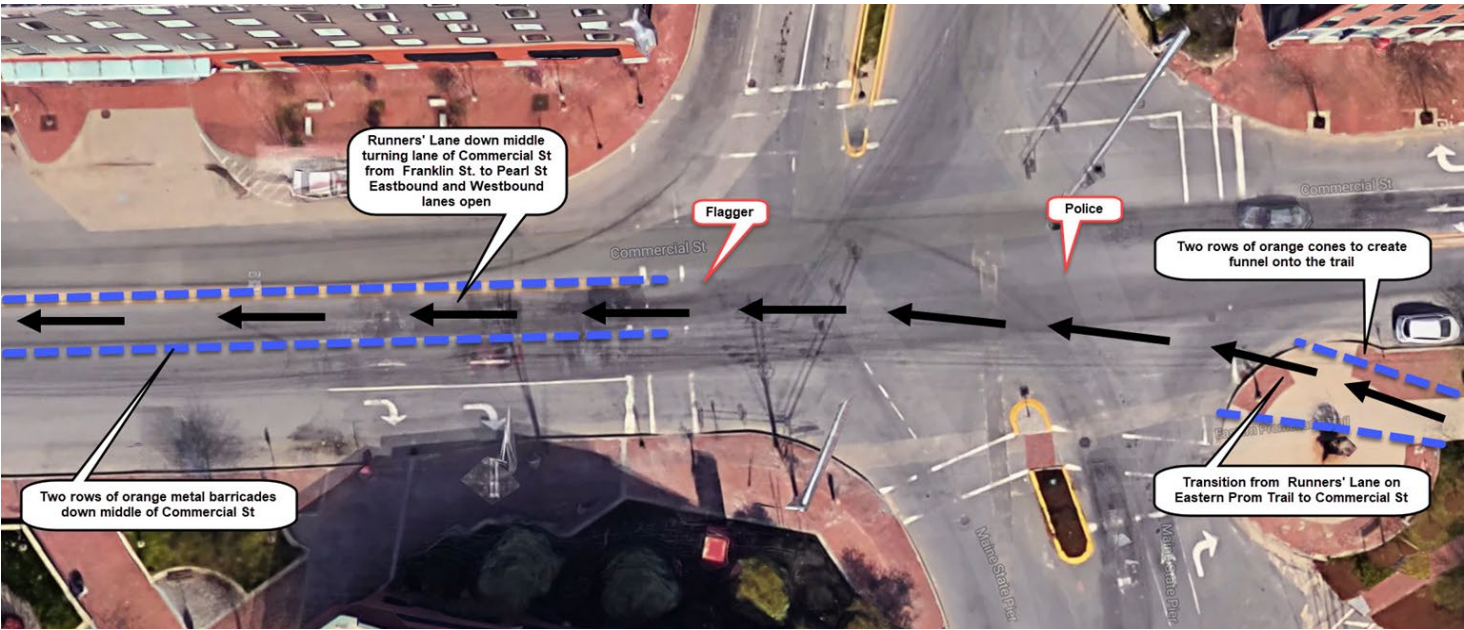
Eastern Prom Trail: Amethyst Park to Hancock St



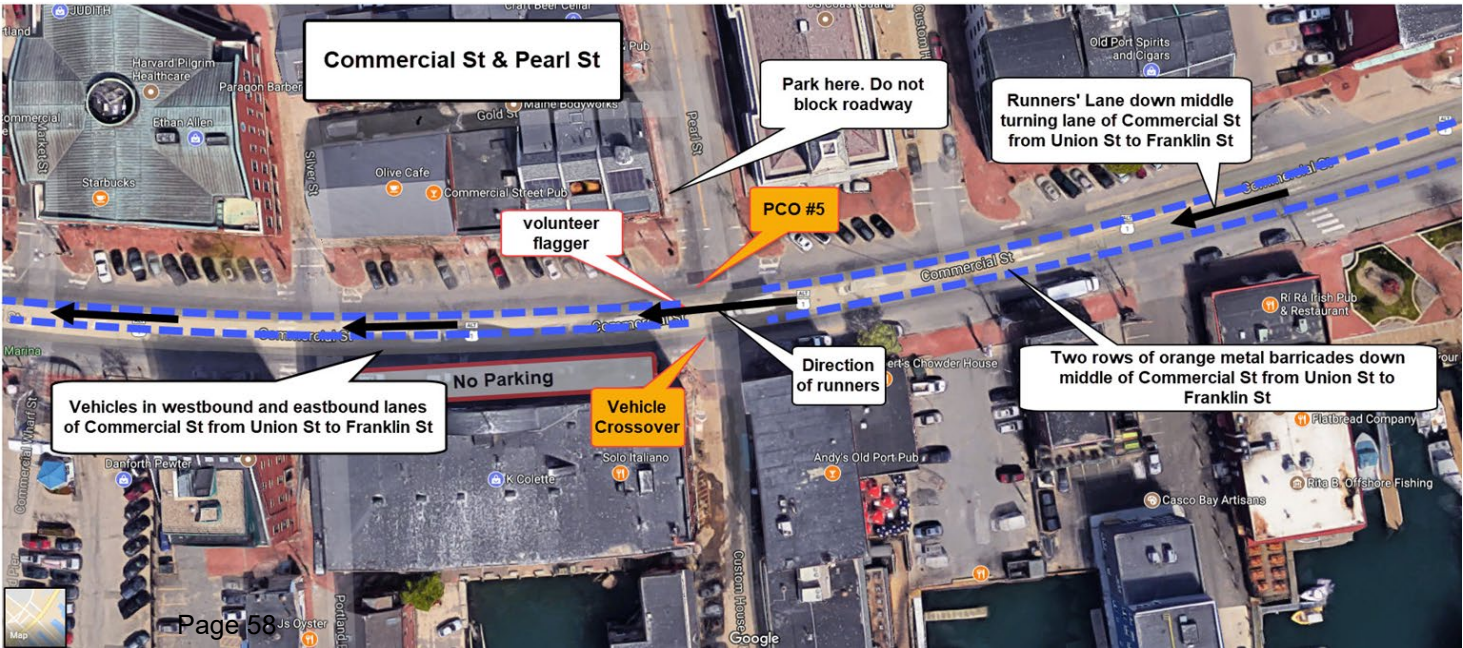
Eastern Prom Trail: Hancock St to Franklin St



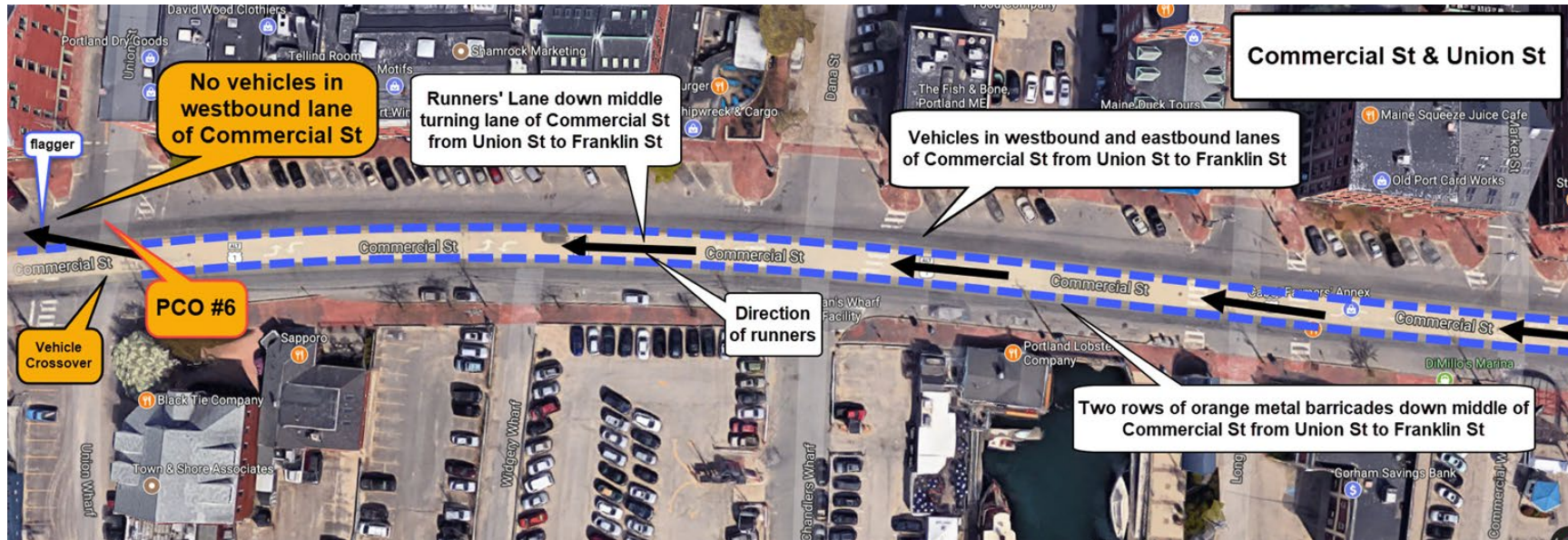
Commercial St: Transition at Franklin St



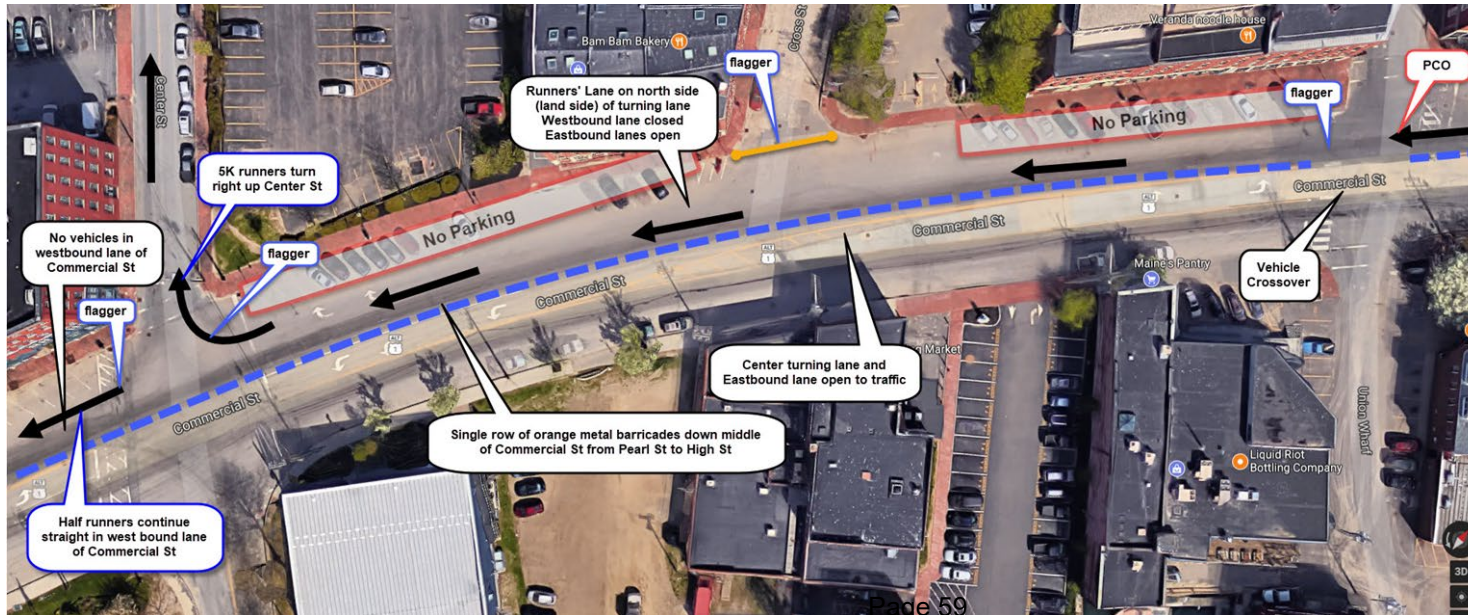
Commercial St: Franklin St to Market St



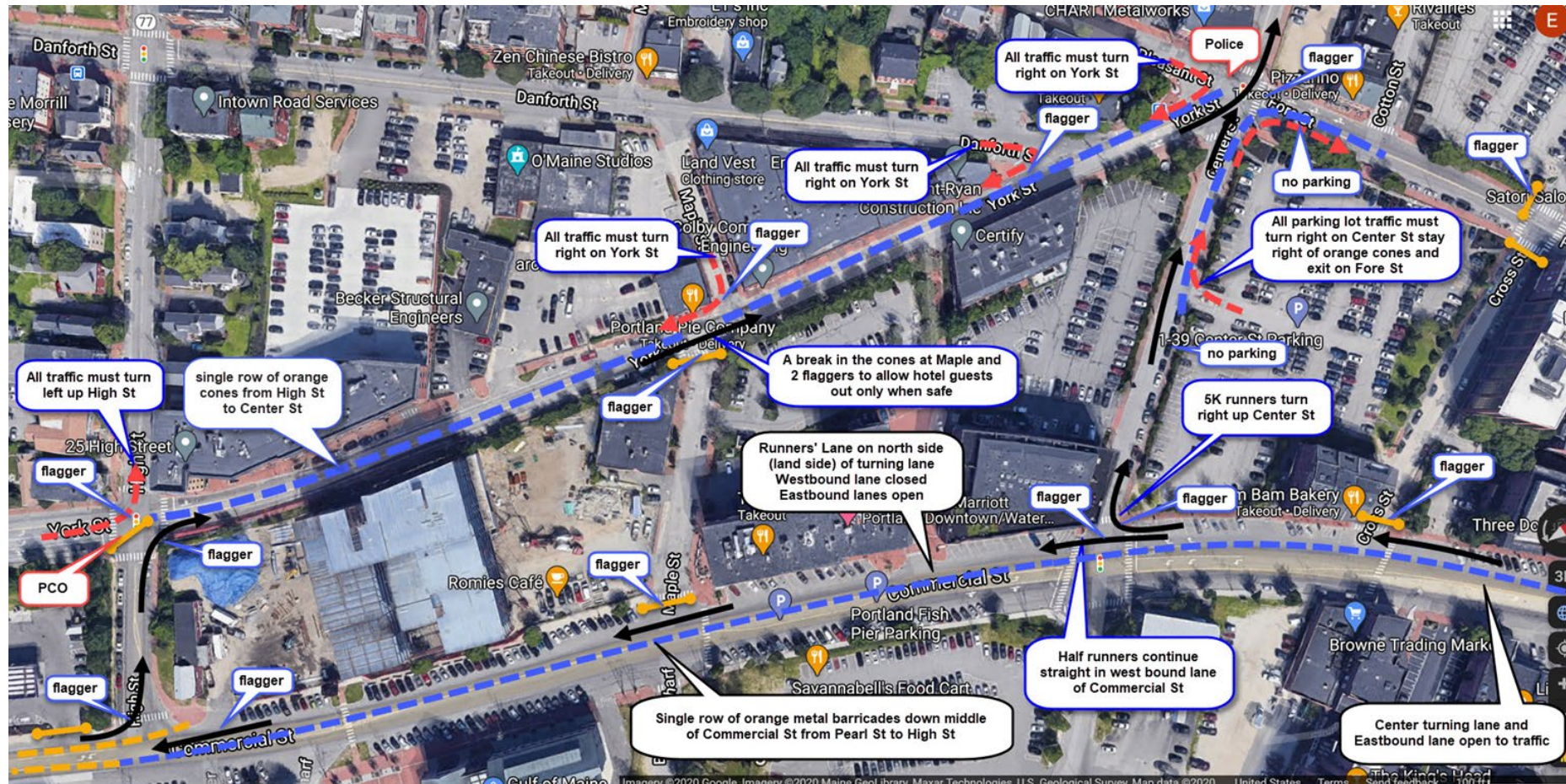
Commercial St: Market St to Union St



Commercial St: Union St to Center St

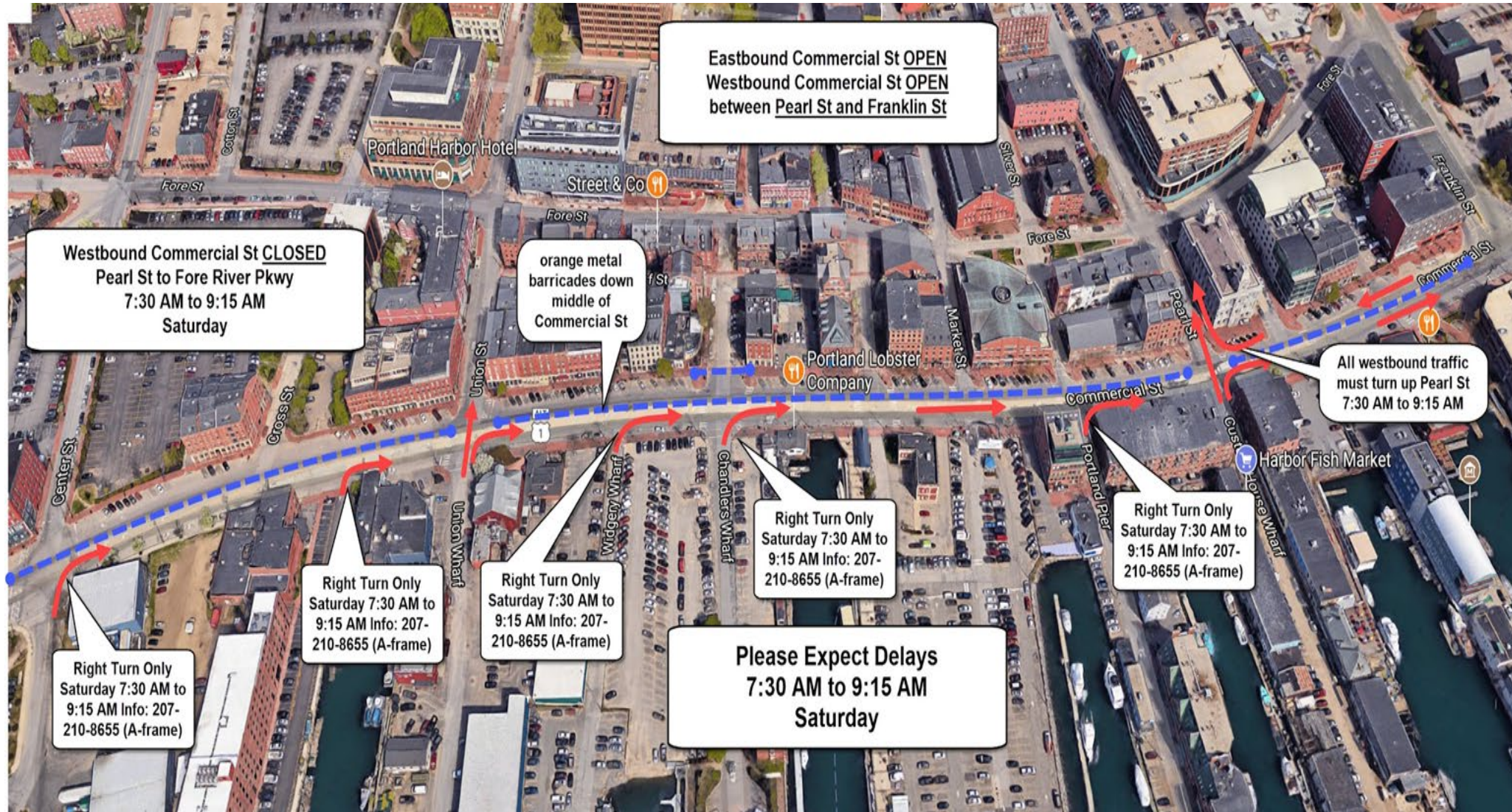


Commercial St: Center St to High St

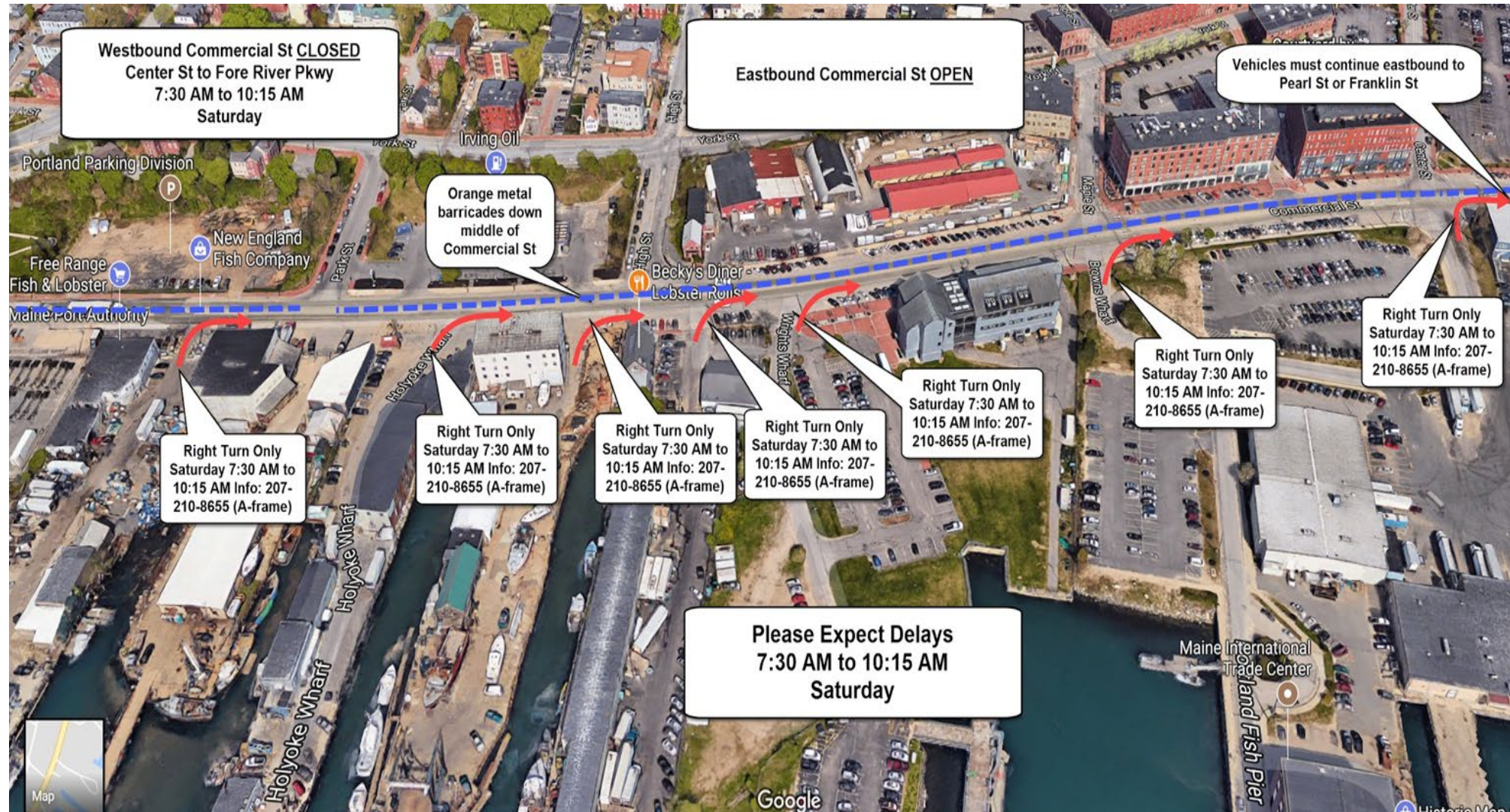


The Runners' lane will occupy the westbound lane of Commercial St starting at Pearl St to Valley St.

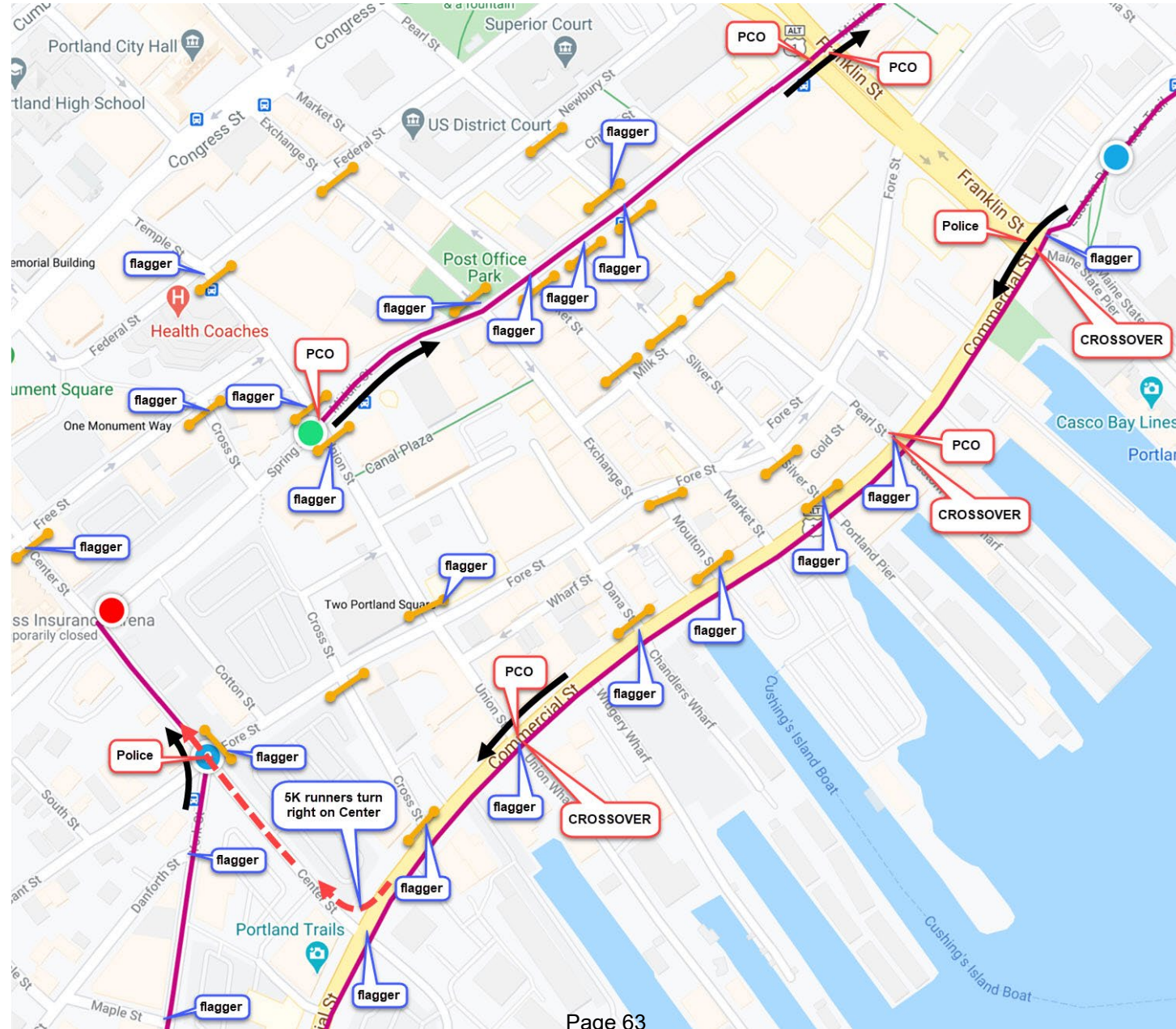
Waterfront Commercial St: Center St to Franklin St



Waterfront Commercial St: Park St to Center St



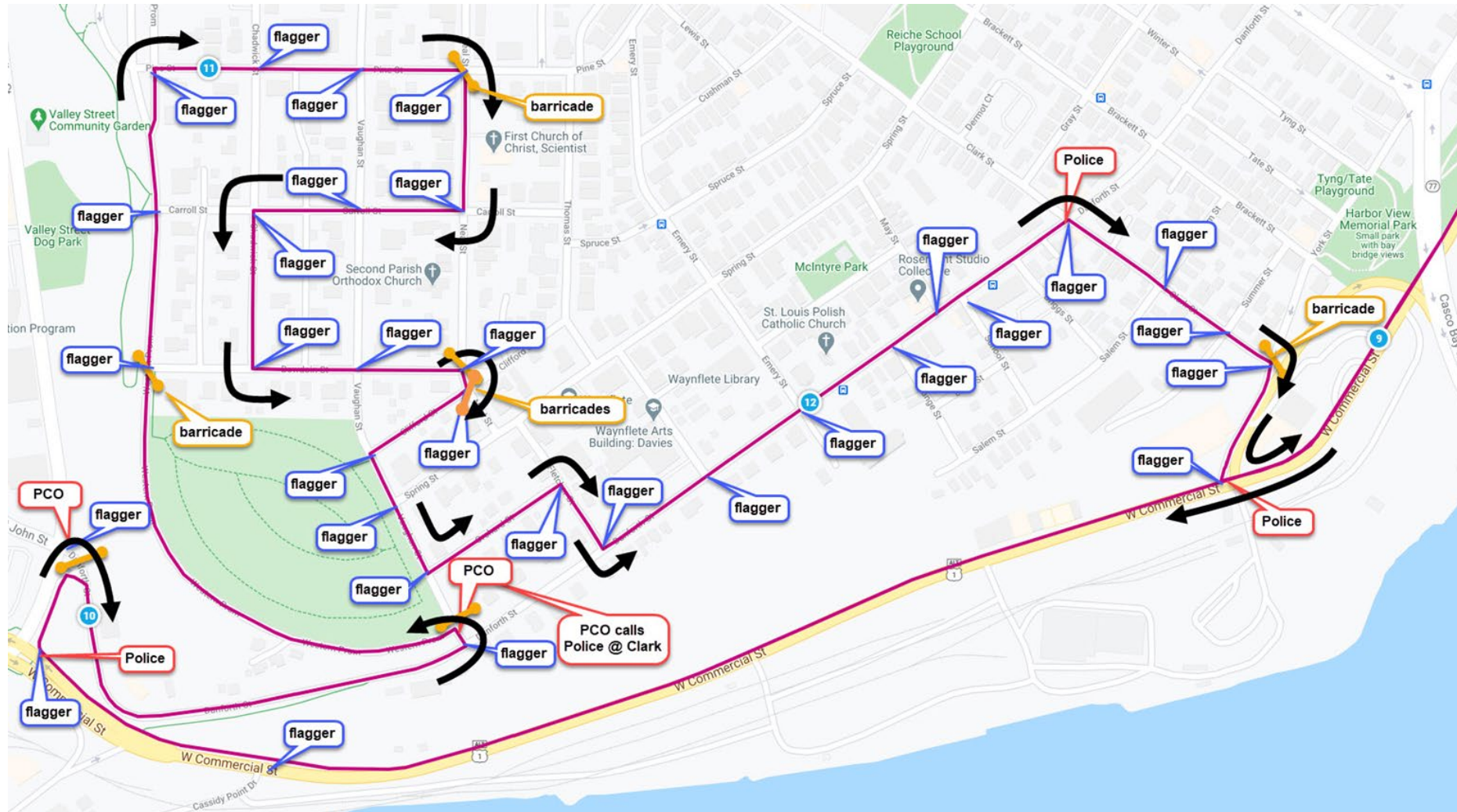
Commercial St Corridor



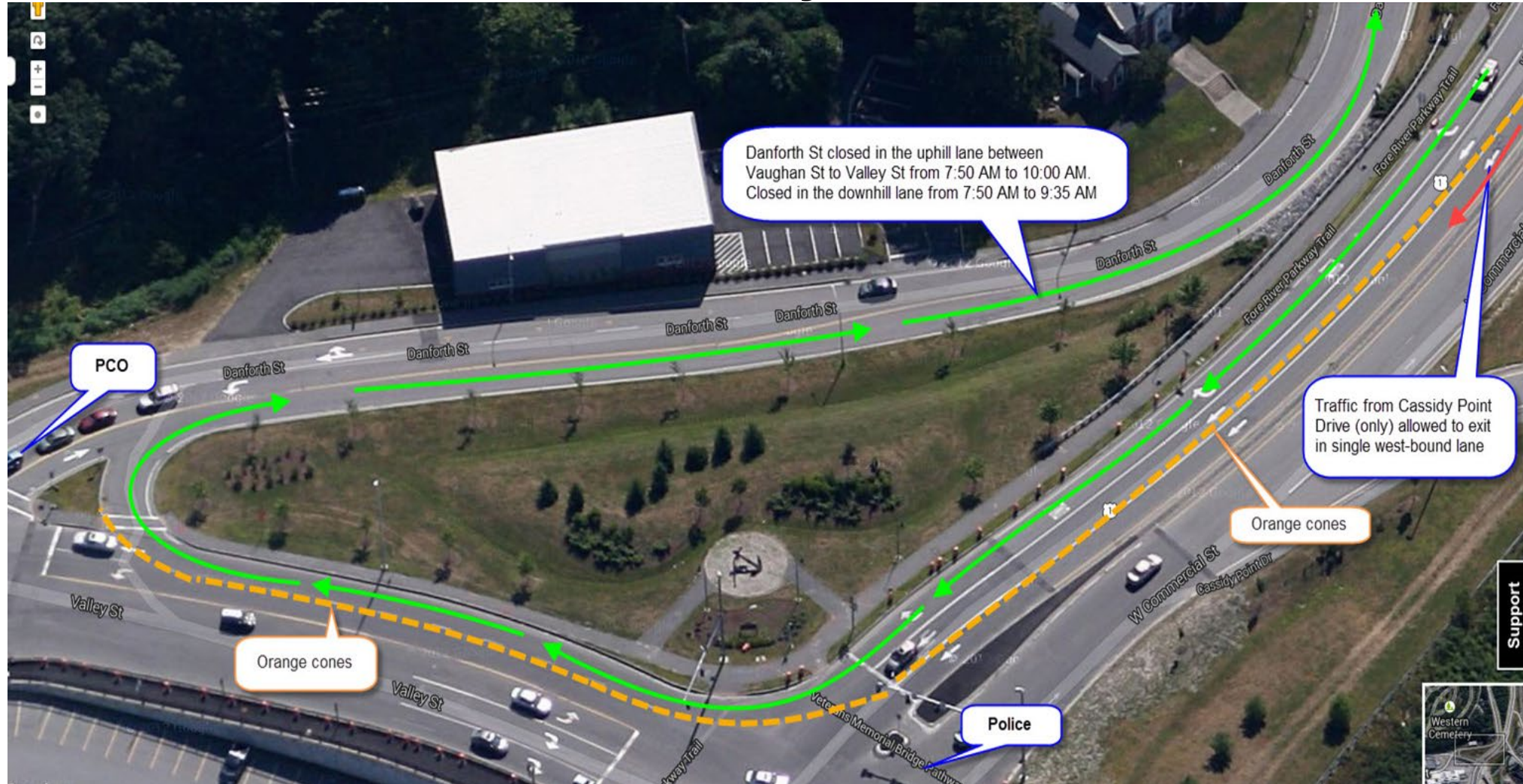
West Commercial St and Beach St



West End Neighborhood



Danforth & Valley St Intersection



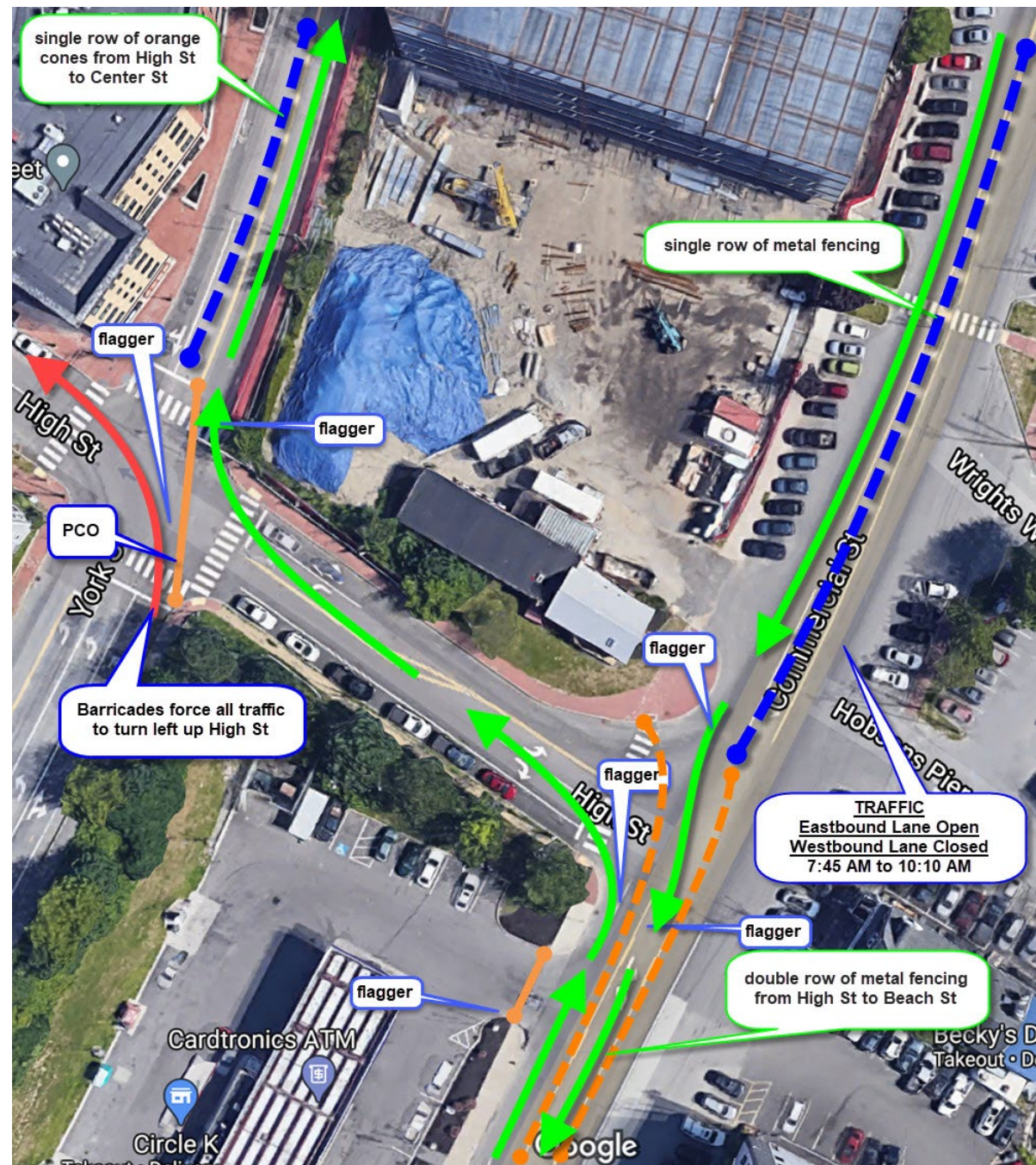
Danforth St closed in the uphill direction between Vaughan St to Valley St from 7:50 AM to 10:00 AM until last runner clears Clark St. Closed in the downhill direction from 7:50 AM to 9:35 AM. A single row of orange cones will be setup along the right turning lane on Valley St. Vehicles exiting Cassidy Point Drive may turn left onto West Commercial St, and stay left of the orange cones. **A police officer at the top of West Commercial St will stop all regular vehicular traffic in the eastbound lane of West Commercial St from 7:30 AM to 9:00 AM with the exception of commercial trucks that must have access to the waterfront.** All other vehicles should be directed onto Valley St or onto the Fore River Parkway. The officer may reopen the eastbound lane as conditions permit.

West Commercial St

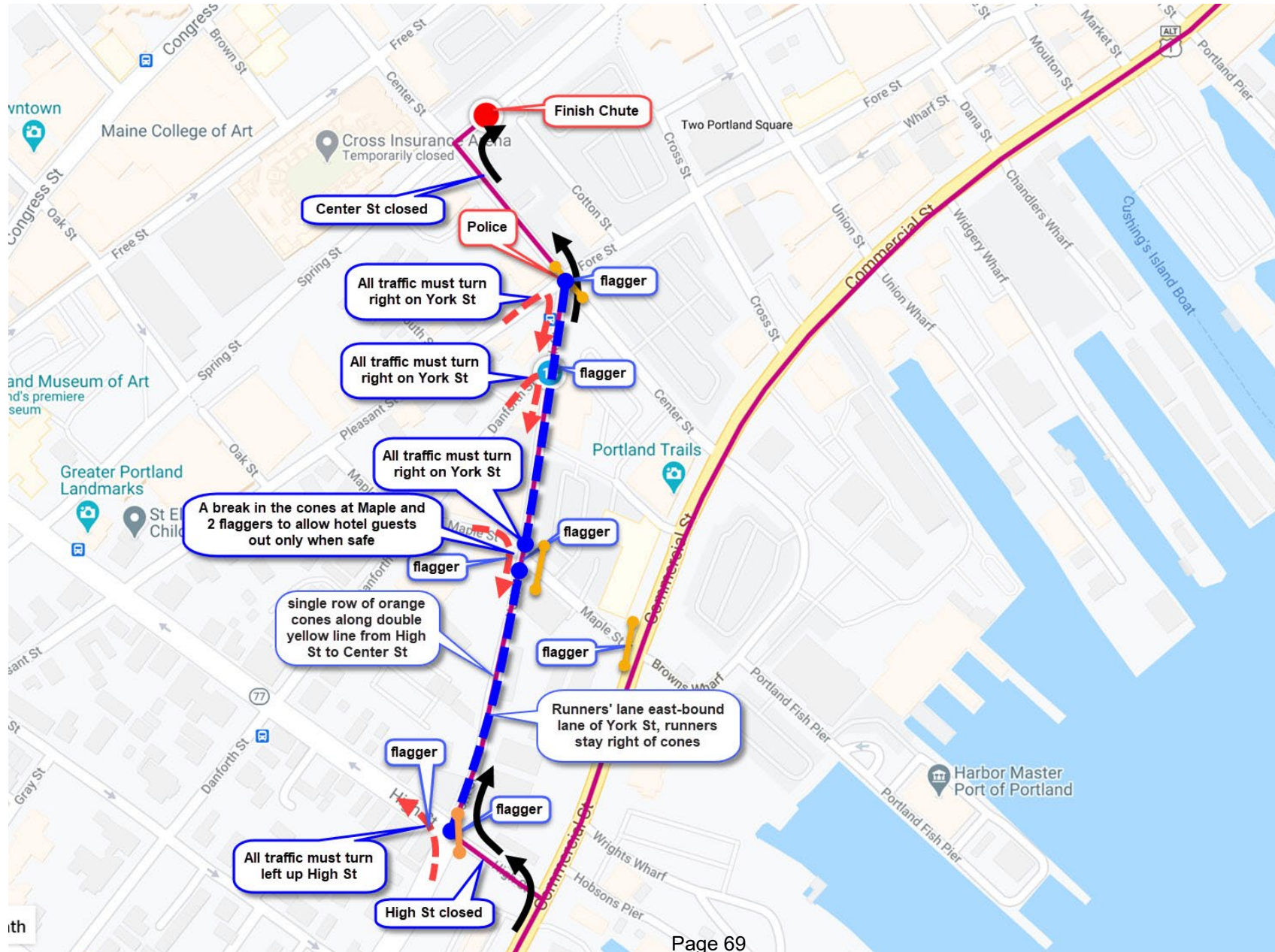


A single row of orange cones placed every 100' from Beach St to Valley St. Orange metal barricades connected with caution tape placed down land side of turning lane. Runners occupy the westbound lane heading eastbound. All vehicles must turn into the eastbound lane. Gas station customers must exit onto Park St and then turn east on Commercial. A flagger block exits of gas station with barricades. Barricades placed across Park St and High St at York St starting at 7:15 AM. Flagger at Park St only allows gas station customers through.

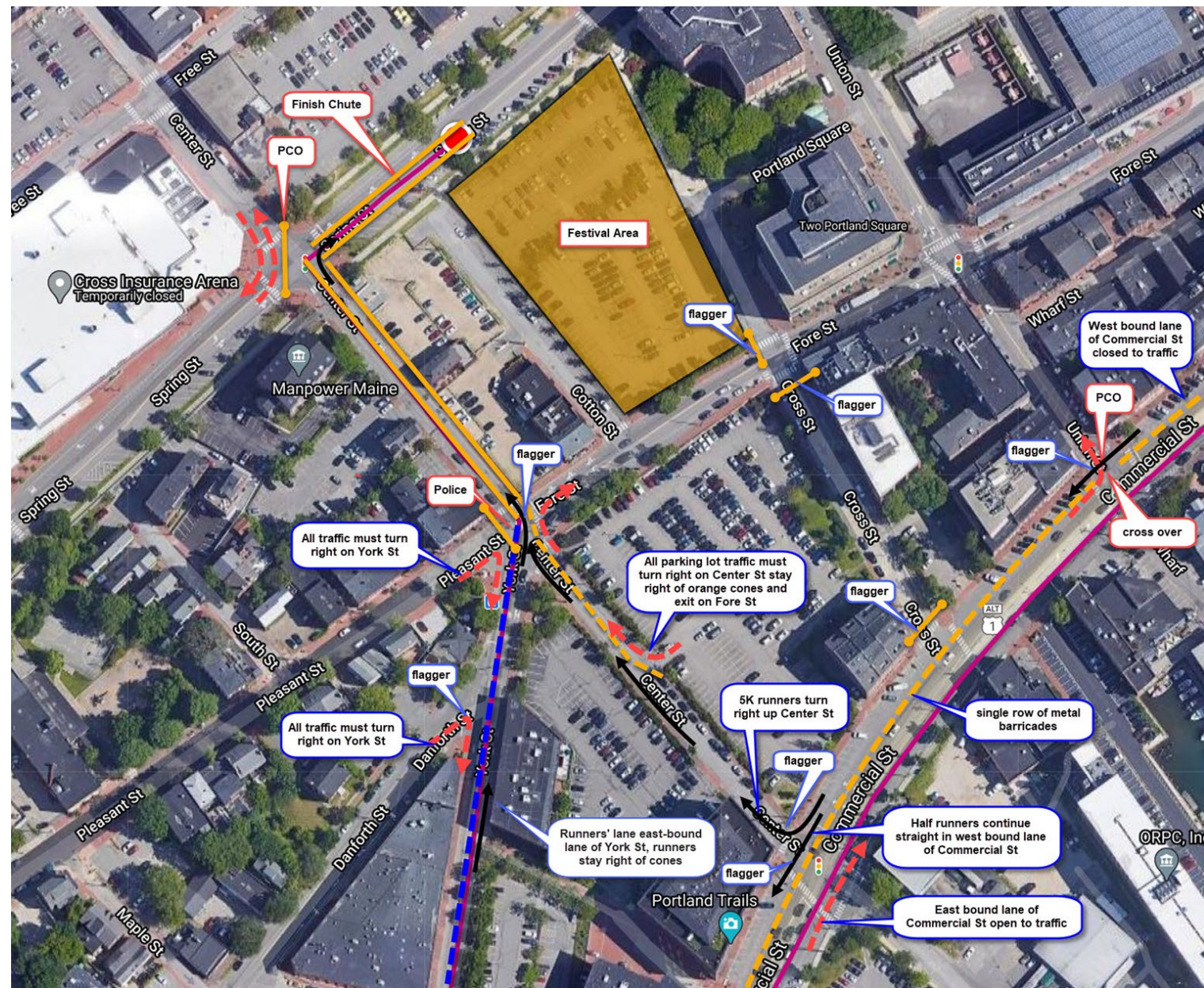
High St



York St



Center St



Commercial St (eastbound & westbound) Closure Plan

- Setup one row of 10' long x 42" tall orange metal barricade panels connected with yellow caution tape on north side (land side) of the center turning lane from Union St to High St
- Setup two rows of 10' long x 42" tall orange metal barricade panels connected with yellow caution tape on north side (land side) of the center turning lane from High St to Beach St
- Setup 18" non-reflective orange cones on double-yellow line every 100' from Beach St to Valley St
- **Close the Eastbound lane of Commercial St at Valley St from 7:30 AM to 9:00 AM to all traffic except for commercial vehicles that must access the waterfront. Direct vehicles onto Valley St or Fore River Parkway instead**
- **Allow Eastbound and center lanes on Commercial St to remain open only to vehicles coming from within the waterfront, or coming down from the crossover streets**
- Close westbound lane of Commercial St from Union St to Valley St from 7:45 AM to 10:15 AM
- Starting at 9:00 AM all runners who haven't reached mile 8 (at Franklin St and Commercial St) will be stopped by race officials and not allowed to continue the race
- Traffic allowed to crossover Commercial St at, Park St, Union St, Pearl St, and Franklin St with Police and PCO assistance
- PCOs positioned at Valley St and Danforth St
- Police positioned at Valley St and W Commercial St, and Park St

Center Commercial St Runners' Lane

- A Runners' Lane will be created down the center turning lane of Commercial St from Union St to Franklin St
- The lane is defined by two rows of 10' long x 42" tall orange metal barricades spaced out in a dash-dot pattern with yellow caution tape connecting each barricade
- Vehicular traffic will be allowed in Eastbound and Westbound lanes of Commercial St
- Vehicle crossover points will be located at Union St and Pearl St
- All vehicles travelling in the westbound lane of Commercial St will be required to turn right on Pearl St or Union St
- Starting at Union St runners will transition from the center Runners' Lane into westbound lane of Commercial St
- Police positioned on Commercial St at Franklin St
- PCO positioned on Commercial St at Union St and Pearl St

Commercial St Communications Plan

- Contact all businesses along Commercial St and all Peaks Island residences using USPS “Every Door Direct Mail” service
- Organizers recognize that the following business could be impacted by the temporary closing of westbound Commercial St and will notify the appropriate manager / owner at each location: Irving Oil, Becky’s Diner, Courtyard Portland Downtown/Waterfront, Canopy Hotel
- Organizers will communicate plans with as many waterfront businesses and wharf owners as possible based on lists provided by Bill Needelman and Bert Jongerden
- Organizers will communicate plans with the International Marine Terminal well-before race
- Organizers will develop communications plan with Casco Bay Ferry lines
- Organizers will develop communication plan with METRO
- Organizer will place “Right Turn Only” sign on the wharf streets off Commercial

Casco Bay Ferry Lines Communication Plan

- We will develop communications plan with Casco Bay Lines that will be shared in their newsletter and on their website. This message will specifically mention the date and ferry times that will be impacted. The newsletter goes to 2,000 people.
- We will share the same message on the EDDM postcard that we mail to every address on Peaks Island. The postcard goes to 830 business and residential addresses on Peaks Island.
- An arrangement will be made with Casco Bay Lines staff for the 8:45 AM ferry departure to arrive earlier? to avoid delays on the Franklin Street approach. Staff could also approach on eastbound Commercial St from the Veterans Bridge.
- Police will give CBL staff top priority to cross Commercial St and may stop runners if necessary to avoid any delays to public transportation. CBL staff will be given an “official vehicle” pass that will allow police to quickly identify them and allow them through.
- Police may stop runners/walkers starting at 8:25 AM and give priority to vehicles waiting in the eastbound lane of Commercial St, or vehicles exiting the ferry terminal after the arrival of the 8:30 AM ferry.
- Casco Bay Lines staff will be asked to contact Police Dispatch if they have any problems
- The information sheets given to the officers at each intersection will be updated to reflect the new protocol for CBL staff.

Food and Beer Garden -- One Portland Square



- The food and beer garden will be located in the lower and upper portion of One Portland Square Parking at 50 Cross St
- Perimeter surrounded by orange metal barricade fencing
- 3 gates for egress total 84'
- TIPS certified staff check IDs and provide security at each gate
- Incorporated Civic Organization -- A Running Passion -- will hold the liquor license and serve cans of beer to runners
- 50 portable restrooms
- Pre-packaged snack foods served to runners in Food Tent
- Slices of pizza and ice cream will be served by a licensed caterer
- There may be food trucks vendors selling foods
- There may be 3rd party vendors selling merchandise
- A live band or DJ will perform on a 20'x16' stage
- Public Safety hired in beer garden

Concert Permit on Private Property

A Single Concert/Dance Permit Application for Private Property will be submitted for the 1 Portland Square food and beer garden.

Style Of Music Description:

- 1) 6:00am to 12:30pm at One Portland Square Parking lot – pre-corded music, and a live band will perform on stage (Stageline SL75) starting at 7:30am.
- 2) 6:00am to 11:30am on Spring St between Union St and Center St a PA system will be set up and an announcer will talk and play pre-recorded music at the race start (6:00 AM to 7:00 AM) and the race finish (7:30 AM to about 11:00 AM).

TIPS Certified ID Checkers Plan

- On Thursday, 6/5 from 4pm – 8pm at our registration bib pickup TIPS certified ID checkers will check IDs and place beer garden bracelets on wrists of runners. These bracelets will stay on continuously and be used in the beer garden on Saturday 6/7
- On Friday, 6/6 from **12:00 PM to 8:00 PM** at our registration bib pickup TIPS certified ID checkers will check IDs and place beer garden bracelets on wrists of runners. These bracelets will stay on continuously and be used in the beer garden on Saturday 6/7
- On Saturday, 6/7 from **6:30 AM – 12:30 PM** at our registration bib pickup TIPS certified ID checkers will check IDs and place beer garden bracelets on wrists of runners at the entrance to the beer garden.

Trash Plan

- A 30-yard dumpster will be placed on Cotton St next to One Portland Square on Friday 6/7 by Troiano Waste. Trash from the event will be placed in the dumpster. The dumpster will be removed by Monday 6/10.
- All trash, recycling, and composting will be handled by Garbage to Garden.
- Garbage to Garden will setup and staff all trash, recycling, and compost sorting at the event.
- Bags of recyclable cans will be collected and redeemed by our official charity partner A Running Passion
- Staff will check barrels periodically and bring full bags to the dumpster.



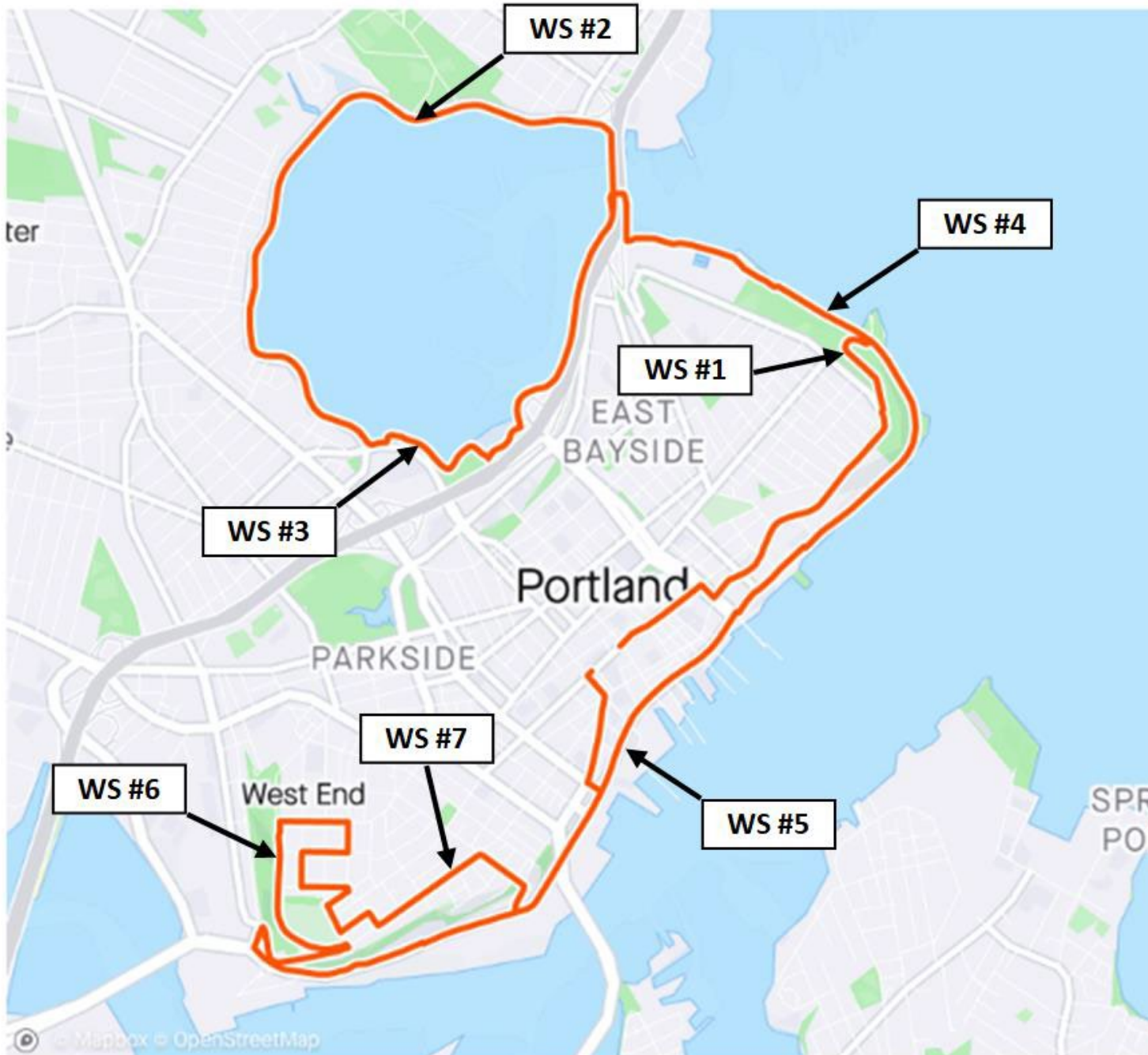
Porta Potty Plan

- Porta Potties delivered Friday 6/6, removed on Saturday 6/7 (evening)
- 53 standard units and 2 ADA units placed in the 1 Portland Square food and beer garden at 5:00pm or later.
- 3 units placed on Cutter St near Eastern Prom Food Truck Park – Friday, 6/6
- 3 units placed on Baxter Blvd near Inlet Rd. Units will be placed on the grass – Friday, 6/6
- 3 units on Back Cove Trail near Back Cove Trail Parking – Friday, 6/6
- 4 units placed at Beach St & West Commercial St – Friday, 6/6
- 3 units placed at Western Promenade and Pine St – Friday, 6/6

Emergency Response Plan

- Unified Command Center setup: Portland Fish Pier 320 Commercial St
- Briefing at 5:30 AM at the Unified Command Center (pending confirmation by Police)
- Mercy Hospital provides Medical Emergency Director, Dr Scott Russo at the finish line medical tents positioned on Spring St
- 2 North East ALS ambulances positioned at finish line medical tent
- 1 North East Polaris Side-by-side and 10x15 trailer with propane heater positioned at finish line medical tent. Polaris will follow behind last 5K walker to the finish, and the go on stand-by.
- North East provides 5 staff (2 paramedics, 3 EMTs)
- North East provides a dedicated cell phone **TBD Number** provided in the medical tent and shared with all volunteers on the course
- 1 Portland ambulance positioned at Danforth St and Vaughan St
- 2 Portland EMS responders on one Gator ATV will be positioned near Water Stop #3 at Payson Park lot near Back Cove Trail
- 2 Portland EMS responders on one Gator ATVs will be positioned on Back Cove Trail under the Tukey Bridge
- Staff Medics LLC to provide 5 medical staff to include 3 Athletic Trainers (ATs) , 1 Paramedic (RPM) and 1 Station Manager to be positioned at the medical tent
- All transports should go to Mercy hospital unless specified by patient
- Volunteers on the course will receive emergency response instructions
- 2 Radio walkie-talkies provided one in medical tent and one on the Polaris
- 20'x30' medical tent provided with side-walls/interior privacy walls, 6 cots, 6 chairs

Water Stop Locations



1. Cutter St near Eastern Promenade Food Truck Park (water stop on both sides of road)
2. Back Cove Trail near Inlet Rd and Baxter Blvd Intersection
3. Back Cove Trail near Back Cove Parking Lot (across from Hannaford's plaza)
4. Eastern Promenade Trail near intersection of Cutter St. and Eastern Promenade Trail
5. Commercial St. near Maine Dentistry Portland (before High St. intersection)
6. Western Prom near Bowdoin St intersection
7. Danforth St near School St intersection

PCO Locations

PCO #	Position #1 Location	Start Time	End Time	Move To Position #2	Start Time	End Time
1	Union St & Spring St	6:00 AM	7:40 AM	High St & York St	7:45 AM	10:15 AM (Last Runner)
2	Franklin St & Fore St (Northbound)	6:45 AM	7:45 AM	Vaughan St & Danforth St**	7:55 AM	9:35 AM (Last Runner)
3	Franklin St & Middle St (Southbound)	6:45 AM	7:35 AM	Valley St & Danforth St**	7:50 AM	9:40 AM (Last Runner)
4	Commercial St & Center St	6:30 AM	7:30 AM	Fore St & Union St**	7:40 AM	10:15 AM (Last Runner)
5	Commercial St & Pearl St	6:45 AM	9:15 AM (Last Half Runner)	Center St & Fore St	9:15 AM	Last Runner
6	Commercial St & Union St	6:45 AM	10:15 AM +++	-	-	-
7	Fore St and Franklin (Southbound)	6:45 AM	7:45 AM (Last 5K Runner)	Danforth & York	7:45 AM	10:15 AM (Last Runner)

PCO Meeting: 5:30 AM at Commercial St and Portland Fish Pier 320 Commercial St

** Make sure that PCOs take alternate routes to get to second positions

+++ PCO must stay in position until last runner passes through Commercial and High St

Police Locations

Police #	Street Location	Start Time	End Time	Move To Position #2	Start Time	End Time	Move To Position #3
1	Fore St & Franklin (Southbound)	6:45 AM	7:45 AM (last 5K runner)	Commercial St & Franklin St	7:45 AM	9:05 AM (last runner)	Commercial St & Center St
2	Commercial St & Franklin St	6:45 AM	9:05 AM (last runner)	Tail last runner to finish)	-	-	-
3	Center St and Fore St	6:30 AM	10:20 AM (last runner)	-	-	-	-
4	Commercial St & Park St	6:45 AM	10:20 AM (last runner)	-	-	-	-
5	Clark St & Danforth St	7:45 AM	10:10 AM (last runner)	-	-	-	-
6	Spring St & Center St to assist K9 Handler	6:00 AM	7:40 AM	Valley St & West Commercial St	7:45 AM	10:20 AM (last runner)	-
7	Spring St & Center St (K9 Handler)	6:00 AM	7:40 AM	Danforth & York St	7:40 AM	Last Runner	-

Unified Command Center located at Portland Fish Pier 320 Commercial St

Police Meeting: 5:30 AM

1 Sargent

1 Lieutenant @ Command Center

Emergency No Parking

Street	Area	Side	Starting	Ending	Reason	Vehicles
Center St	Commercial St to Spring St	Both Sides	2:00 AM	11:00 AM	Race Route	Closed
Commercial St	Center St to Union St	North Land Side	2:00 AM	11:00 AM	Race Route	Closed
Commercial St	110 Block between Silver and Pearl	Water Side	2:00 AM	11:00 AM	Left Turn Lane	Bi-Directional Traffic
20 Cotton St	Dumpster location sidewalk closest to One Portland Square Parking Lot	East Side	-	-	Dumpster	Closed
Cross St	Free St to Spring St	Both Sides	2:00 AM	11:00 AM	Start Area	Closed
208 Pine St	Corner of Western Prom and Pine St	Both Sides	2:00 AM	11:00 AM	Race Route	Closed
Fore St	Franklin St to Cutter St	Both Sides	2:00 AM	11:00 AM	Race Route	Closed
Spring St	Center St to Union St	Both Sides	2:00 AM	11:00 AM	Start Area	Closed
Pine St	Western Prom to Neal St	Both Sides	2:00 AM	10:00 AM	Race Route	Closed
Neal St	Pine St to Carrol St	Both Sides	2:00 AM	10:00 AM	Race Route	Closed
Carrol St	Neal St to Chadwick St	Both Sides	2:00 AM	10:00 AM	Race Route	Closed
Chadwick St	Carrol St to Bowdoin St	Both Sides	2:00 AM	10:00 AM	Race Route	Closed
Bowdoin St	Chadwick St to Neal St	Both Sides	2:00 AM	10:00 AM	Race Route	Closed
Clifford St	Neal St to Vaughan St	Both Sides	2:00 AM	10:00 AM	Race Route	Closed
Vaughan St	Clifford St Orchard St	Northbound Lane	2:00 AM	10:00 AM	Race Route	Closed
Orchard St	Vaughan St to Fletcher St	Both Sides	2:00 AM	10:00 AM	Race Route	Closed
Danforth	Fletcher St to Clark St	Water Side	2:00 AM	10:15 AM	Race Route	Closed
Clark St	Danforth St to York St	Both Sides	2:00 AM	10:15 AM	Race Route	Closed

Roads Closed - 2025

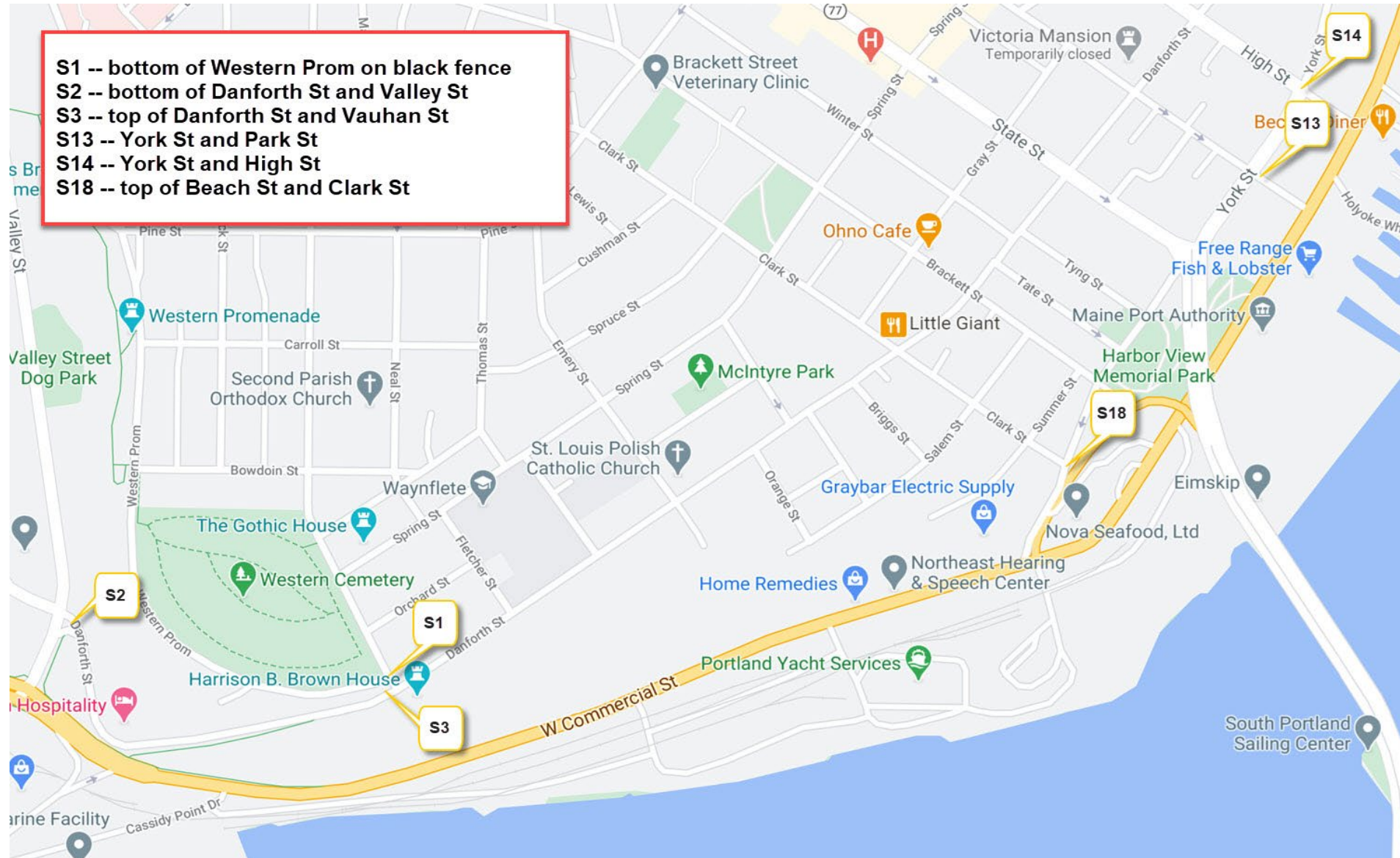
Street	Area	Lanes Closed	Starting	Ending
Beach	York to Commercial	Southbound	7:45 AM	10:15 AM
Bowdoin	Chadwick to Neal	Both	7:45 AM	10:00 AM
Carrol	Neal to Western Prom	Both	7:45 AM	10:00 AM
Center	Spring to Fore	Northbound	2:00 AM	12:00 PM
Center	Fore to Commercial	Both	7:00 AM	11:00 AM
Chadwick	Pine to Bowdoin	Both	7:45 AM	10:00 AM
Clark	Danforth to York	Both	7:45 AM	10:15 AM
Clifford	Neal to Vaughan	Both	7:45 AM	10:15 AM
Commercial	Union to Valley	Westbound Lane	7:45 AM	10:30 AM
Commercial	Valley and West Commercial	Eastbound Lane	7:30 AM	9:00 AM
Cross	Free to Spring	-	2:00 AM	12:00 PM
Cross	Fore to Commercial	Both lanes	7:30 AM	10:30 AM
Cutter	-	Both Lanes	7:00 AM	9:00 AM
Danforth	Valley to Clark	Both lanes	7:45 AM	10:15 AM
Fletcher	Orchard to Danforth	Both lanes	7:45 AM	10:00 AM
Fore	Franklin St to Cutter St	Both lanes	6:45 AM	8:00 AM
Fort Allen Park Loop	-	Both lanes	6:50 AM	8:00 AM
Franklin	Middle St to Fore	Both lanes	6:45 AM	7:15 AM
Franklin	Middle St to Fore	Both lanes	7:20 AM	7:45 AM
High	York to Commercial	Both lanes	7:45 AM	10:30 AM
Maple	York to Commercial	Both lanes	7:45 AM	10:30 AM
Middle	Union St to Franklin St	Both lanes	6:45 AM	7:15 AM
Middle	Union St to Franklin St	Both lanes	7:20 AM	7:45 AM
Neal	Pine to Clifford	Both lanes	7:45 AM	10:00 AM
Orchard	-	Both lanes	7:45 AM	10:00 AM
Park	York to Commercial	Southbound lane	7:45 AM	10:30 AM
Pine	Western Prom to Vaughan	Both lanes	7:45 AM	10:00 AM
Spring	Center to Union	Both lanes	2:00 AM	12:00 PM
Valley	W. Commercial to Danforth	Right turn lane only	7:45 AM	9:45 AM
Vaughan	Pine to Danforth	Both lanes	7:45 AM	10:00 AM
Western Prom	Vaughan to Pine St	Both lanes	7:45 AM	9:45 AM
York	High to Center	Runners' lane on water side	7:45 AM	10:30 AM

Warning Sign Placements -- Eastern Promenade



**Cutter St and Fort Allen
Park loop closed 6:45 AM
to 8:00 AM**

Warning Sign Placements - Western Promenade



Barricades

Street Location	Barricades	Detour Sign
Commercial St @ Irving Station Exits	4	-
Commercial St and Maple St	1	-
Commercial St & Cross St	1	-
York and Clark	1	-
York and Park	3	-
York and High	3	-
York and Maple	1	-
York and Danforth	1	Detour sign and right arrow
Fore St and Center St	4	-
Fore St and Cross St	2	-
Fore St and Union St	1	-
Fore St and Franklin St	1	-
Fore St and India St	2	-
Fore St and Hancock St	2	-
Fore St and Freedom Way	1	-
Milk St and Market St	1	-
Milk St and Silver St	1	-
Milk St and Pearl St	1	-
Spring St and Center St	5	-
Spring St and Union St	4	-
Middle St and Exchange St	1	-
Middle St and Market St	1	-
Middle St and Silver St	1	-
Middle St and Pearl St	2	-
Middle St and Franklin St	1	-
Free St and Union St	1	-
Free St and Cross St	2	-
Federal St and Exchange St	1	-
Newbury St and Pearl St	1	-
Eastern Prom and Fort Allen Park	2	-
Eastern Prom and Cutter St	1	-

New 2025 Barricade Location Requests

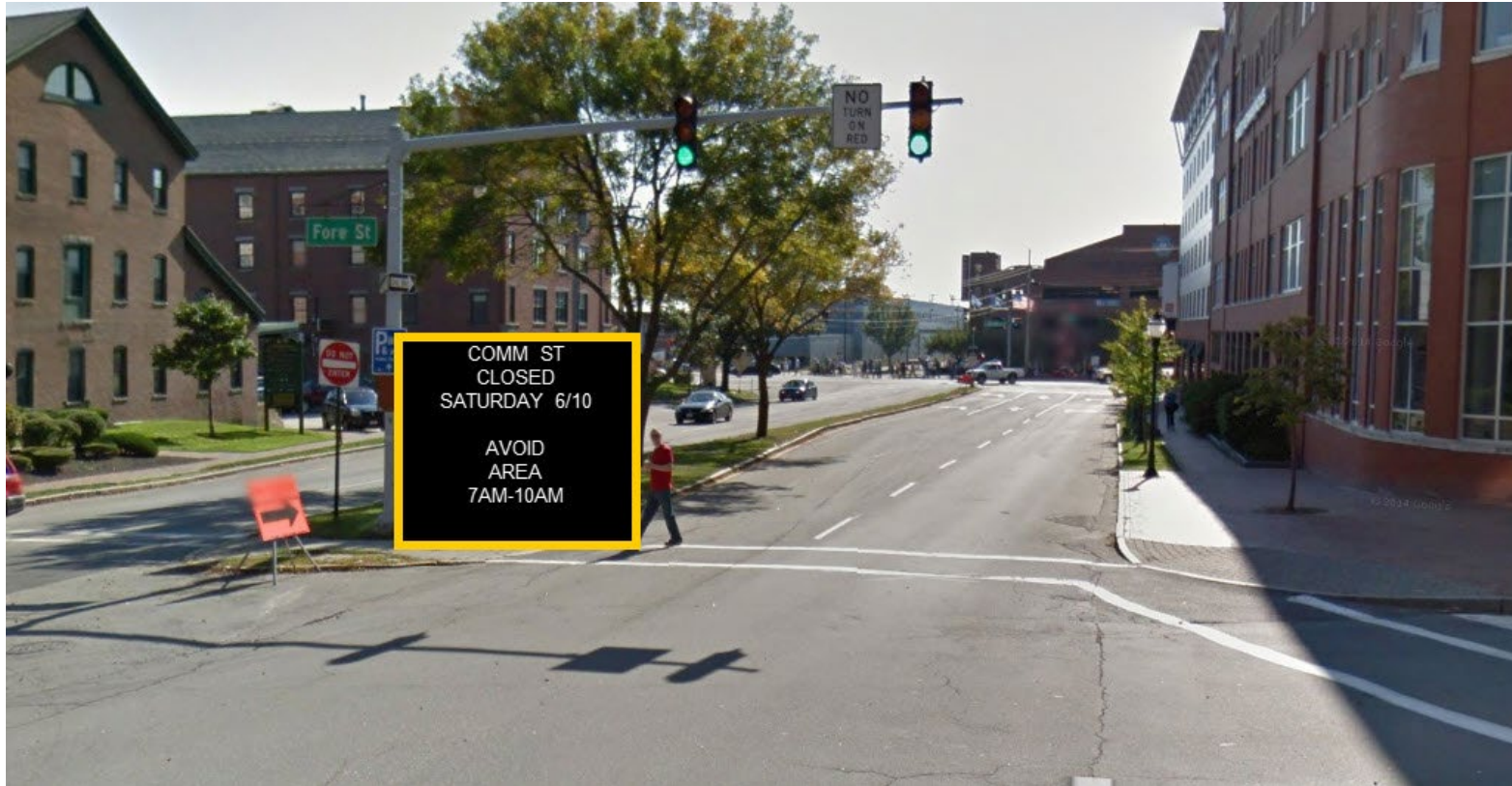
Street Location	Barricades	Detour Sign
Western Prom and Bowdoin St	1	-
Danforth and Valley St	1	-
Danforth and Vaughan St	1	-
Western Prom and Carrol St	1	-
Western Prom and Pine St	2	-
Pine St and Chadwick St	2	-
Pine St and Vaughan St	2	-
Pine St and Neal St	2	-
Neal St and Carrol St	1	-
Carrol St and Vaughan St	2	-
Carrol St and Chadwick St	2	-
Chadwick & Bowdoin St	1	-
Bowdoin St and Vaughan St	2	-
Bowdoin St and Neal St	1	-
Bowdoin & Clifford St	1	-
Clifford St and Neal St	1	-
Clifford St and Vaughan St	1	-
Vaughan St and Spring St	1	-
Vaughan St and Orchard St	1	-
Orchard St and Fletcher St	1	-
Danforth St and Fletcher St	1	-
Danforth St & May St	1	-
Danforth St and Storer St	1	-
Danforth St and Emery St	2	-
Danforth St and Orange St	1	-
Danforth St and School St	1	-
Danforth St and Briggs St	1	-
Danforth St and Clark St	2	-
Clark St and Summer St	2	-
Clark St and Salem St	2	-
Fore St and Mountfort St	1	-
Fore St and Waterville St	1	-
Fore St and St. Lawrence St	1	-
Fore St and Atlantic St	1	-
Fore St and Munjoy St	1	-
Fore St and O'Brion St	1	-
Fore St and Vesper St	1	-
Fore St and Morning St	1	-

Flashing Traffic Lights

Intersection	Time
Center St and Spring St	6:00 AM to 11:00 AM
Union St and Spring St	6:00 AM to 11:00 AM
Middle St and Franklin St	6:00 AM to 11:00 AM
Fore St and Franklin St	6:00 AM to 11:00 AM
Commercial St and Franklin St	6:00 AM to 11:00 AM
Commercial St and Union St	6:00 AM to 11:00 AM
Center St and Fore St	6:00 AM to 11:00 AM
York and Danforth St	6:00 AM to 11:00 AM
York and High St	6:00 AM to 11:00 AM
W Commercial St and Valley St	6:00 AM to 11:00 AM

Traffic lights need to be turned to red-flashing no later than the starting times but may be sooner. The end times reflect when the last runner will pass through an intersection.

Digital Sign– Middle St & Franklin



Middle St and Franklin St

- COMM ST
- CLOSED
- SATURDAY 6/7
- AVOID
- AREA
- 7AM-10AM

Digital Sign – Veterans Memorial Bridge



Placed at West Commercial St and Valley St intersection

- COMM ST
- CLOSED
- SATURDAY 6/7
- AVOID
- AREA
- 7AM-10AM



TIER III / SPECIAL EVENT
PUBLIC PARK AND SPACE



AREA IMPACT STUDY
City Council Review

TODAY'S DATE		12/09/2024		ORGANIZATION NAME		Ventures Endurance Events LLC		
ADDRESS (Street/City/State/Zip)		951 Corporate Grove Dr, Buffalo Grove, IL 60089						
CONTACT NAME(S)		Evan Dolecki / Chip Hazewski			TITLE(S)	Operations Manager / Race Director		
PHONE	860.921.6945			PHONE	858.768.1916		PHONE	
EMAIL	edolecki@venturesendurance.com			EMAIL	Chip@venturesendurance.com		EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Eastern Prom Trail, Bayside Trail, Back Cove Trail, Portland Streets, Start & Finish and after-party areas on Spring Street		
EVENT DAY(S) & DATE(S)	Saturday 6/7/2025	RAIN DAY(S) & DATE(S) (50% added fee)	NA
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	2:00 AM to 11:30 PM On Public Property	EVENT START & END TIME	7:00 AM to 10:30 PM

EVENT NAME	EVENT CLASSIFICATION Road Race, Parade, Public Assembly, Music Festival	EXPECTED ATTENDANCE
Shipyards Old Port Half Marathon & 5K	road race	5,000 runners, 1,500 spectators

AREA IMPACT STUDY: Please be as specific as possible regarding the area of public space/park that you would like to permit

1. Description of event. Description of event and event history so that all departments may better understand your event request.

<https://oldporthalfmarathon.com/>

This will be the 14th annual Shipyards Old Port Half Marathon & 5K.

Proceeds benefit: A Running Passion (official charity partner)

The start and finish areas for both races are located on Spring St between Union St and Center St. The post-race festivities will be held in the nearby private lot One Portland Square Parking at 50 Cross St.

The 2025 half marathon route is identical to the 2024 route and no longer includes Eastern Promenade or the closure of Washington Ave. The 5K route will remain the same as 2024.

The 2024 event had 3,852 half marathon finishers and 1,513 5K finishers.

2. Permits. Include all applicable permits from all pertinent city departments.(Fire,Police,City clerk...)

License Type	Date of application/Request	Approval - YES/NO/IN REVIEW
Street Goods Vendor License(s) To sell non-food items (like T-shirts, crafts, cd's, etc.)?	In Progress	
Liquor License	In Progress	
Temporary Tent/Stage Permit	In Progress	
Temporary Food Service License	In Progress	
Police Assistance	10/23/24	approved
Emergency/Fire Assistance	10/23/24	approved
Entertainment License(amplified sound)	10/23/24	approved
Parking/Street Closure Assistance	10/23/24	approved

3. Detailed site plans. Include maps of venue, parade and course routes, parking/shuttle plans, evacuation plans... (Downloadable format)

Interactive Course Maps

Half Marathon - <https://www.google.com/maps/d/edit>

mid=1uIMyeFmdN4Wjx3VJKguMyLsoXeg5Jfo&usp=sharing

5K - <https://www.google.com/maps/d/u/0/edit?>

mid=1X8hBcXRgkRyCqVOd1_3phf0AXUH1DQ&usp=sharing

Half Marathon - Race Starts at 7:00 AM

Start on Spring St intersection with Union St. Straight on Middle St (using both lanes), right on Franklin St (in uphill lane), Left on Fore St (in runners lane on water side), Straight on Eastern Promenade, Right on Cutter St, Left on Eastern Prom Trail, Right on Bayside Trail (pass under Tukey's Bridge) Sharp left on Back Cove Trail, Run counter-clockwise around Back Cove, Left on Bayside Trail, Left on Eastern Prom Trail until Franklin St, crossing over Franklin St then getting into center turning lane on Commercial St until Union St, then getting into westbound lane on Commercial St, Straight on Commercial St (using westbound lane), Straight on West Commercial St (using westbound lane), Right on Valley St (using right turning lane), Right on Danforth St (using both lanes), Left on Vaughan St (using both lanes), Left on Western Promenade (using both lanes), Right on Pine St (using right lane), Right on Neal St (using right lane), Right on Carroll St (using both lanes), Left on Chadwick St (using left lane), Left on Bowdoin St (using both lanes), Right on Neal St, Right on Clifford St (using both lanes), Left on Vaughan St (using left lane), Left on Orchard St (using both lanes), Right on Fletcher St (using both lanes), Left on Danforth St (using right lane), Right on Clark St (using both lanes), Right on Beach St, Left on West Commercial St (using westbound lane), Left on High St (using both lanes), Right on York St (in runners lane on water side), Left on Center St (using both lanes), Right on Spring St to finish line.

5K -- Race starts at 7:35 AM.

Start on Spring St intersection with Union St. Straight on Middle St (using both lanes), right on Franklin St (in uphill lane), Left on Fore St (in runners lane on water side), Straight on Eastern Promenade (in runners lane on water side), Right on Cutter St (using both lanes), Right on Eastern Prom Trail until Franklin St, crossing over Franklin St then getting into center turning lane on Commercial St until Pearl St, then getting into westbound lane on Commercial St, Straight on Commercial St (using westbound lane), Right on Center St, Right on Spring St to finish line.

Some of the race routes are on Trails and Paths (and some on the street).

Many course marshals (86+) will staff intersections

4. Event components. Event time frame, sound levels, neighborhood impacts, road closures, security/police, EMS services.

All supporting documents including course maps and the complete operations plan can be found in the following Google Docs.
https://drive.google.com/file/d/1nN_jmYa6u5l8FnobCGzkQIe010eidnot/view?usp=sharing

Event Time Line Saturday 6/8

2:00 AM Close streets down around start/finish chutes on Spring St and Cross St.
2:15 AM Build out start / finish areas in Spring St
5:30 AM sound check for Spring St sound system
5:30 AM Meeting at Unified Command Center with Fire/EMS, Police, Medical
5:30 AM Course Marshals meet at Portland Fish Pier 320 Commercial St
6:00 AM Course Marshals deployed on school buses or walk
6:00 AM announcements start on Spring St
7:00 AM half marathon race starts
7:35 AM 5k race starts
7:35 AM beer gardens open
10:30 AM expected last finisher
11:30 PM expected time to reopen Spring St (Center to Union)
12:15 PM last call in beer garden
12:30 PM beer gardens close
2:30 PM Complete load-out



TO: Danielle West, City Manager
FROM: Andrew J. Downs, Director of Public Assembly Facilities Division
DATE: January 22, 2025
RE: **Council Agenda Item – 2025 Shipyard Old Port Half Marathon & 5k**

I am requesting that the following order be placed on
the next City Council agenda:

**Order authorizing and declaring Shipyard Old Port Half Marathon & 5K
to be held on Saturday, June 7, 2025 as a Festival.**

EVENT DESCRIPTION: The Shipyard Old Port Half Marathon & 5K is a for-profit event, however, A Running Passion (and other non-profits in the area) all benefit from race proceeds.

This race has been held in the city for thirteen (13) years. (This will be the 14th.) This year, the number of half marathon and 5K runners is estimated to be 4,500 people total.

Due to restrictions enacted by Maine State Police & Maine Department of Transportation, this will be the second year the race is no longer allowed to include the temporary closure of highway offramps. The race organizer has worked directly with City staff (Police, Fire, Traffic & Event Permitting) to establish a new race route to accommodate those restrictions. The race organizer is also working with businesses throughout the Old Port and the waterfront, including those along Center Street, Fore Street, Middle Street, and Commercial Street to inform them about expected impacts and to develop contingency plans.

The Order should include the following items:

(1) The Shipyard Old Port Half Marathon & 5K be authorized for Saturday, June 7, 2025, from 3:00am – 11:30am, to be held in Portland, along city streets and trails. The start corral for the half marathon race is on Spring Street between Center Street and Union Street; and on Cross St between Free Street and Spring St for the 5K. The finish chute area is on Spring Street. The start of the half marathon race is at 7:00 am, and the start of the 5K race is at 7:35 am.

(continued)

(2) As part of the post-race event, a food and 21+ beer garden will be set up in a privately owned lot at One Portland Square Parking at 50 Cross Street (approx. 67,410 sq ft of open space), and open from 7:30am – 12:30pm. Organizers will hire Police Officers for this area and will have an ambulance & EMS staff on site for the duration of the event.

The area of Spring Street (Center Street to Union Street) and abutting sidewalks is the designated Festival Zone. As such, it is closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of the race organizer for the purpose of conducting the Shipyard Old Port Half Marathon & 5k, subject to the direction and control of the City Manager.

The race routes are as follows:

Shipyard Old Port Half Marathon (start time 7am). Runners assemble on Spring St. Start on Spring St intersection with Union St. Straight on Middle St (using both lanes), right on Franklin St (in uphill lane), left on Fore St (in runners lane on water side), straight on Eastern Promenade, right on Cutter St, left on Eastern Prom Trail, right on Bayside Trail (pass under Tukey's Bridge) sharp left on Back Cove Trail, run counter-clockwise around Back Cove, left on Bayside Trail, left on Eastern Prom Trail until Franklin St, crossing over Franklin St then getting into center turning lane on Commercial St until Union St, then getting into westbound lane on Commercial St, straight on Commercial St (using westbound lane), straight on West Commercial St (using westbound lane), right on Valley St (using right turning lane), right on Danforth St (using both lanes), left on Vaughan St (using both lanes), left on Western Promenade (using both lanes), right on Pine St (using right lane), right on Neal St (using right lane), right on Carroll St (using both lanes), left on Chadwick St (using left lane), left on Bowdoin St (using both lanes), right on Neal St, right on Clifford St (using both lanes), left on Vaughan St (using left lane), left on Orchard St (using both lanes), right on Fletcher St (using both lanes), left on Danforth St (using right lane), right on Clark St (using both lanes), right on Beach St, left on West Commercial St (using westbound lane), left on High St (using both lanes), right on York St (in runners lane on water side), left on Center St (using both lanes), right on Spring St to finish line.

Shipyard Old Port 5K (start time 7:35am). Runners assemble on Cross Street. Start on Spring St intersection with Union St. Straight on Middle St (using both lanes), right on Franklin St (in uphill lane), left on Fore St (in runners lane on water side), straight on Eastern Promenade (in runners

lane on water side), right on Cutter St (using both lanes), right on Eastern Prom Trail until Franklin St, crossing over Franklin St then getting into center turning lane on Commercial St until Pearl St, then getting into westbound lane on Commercial St, straight on Commercial St (using westbound lane), right on Center St, Right on Spring St to finish line.

During the Shipyard Old Port Half Marathon & 5K, streets listed below will be closed to vehicular traffic, Saturday, June 7, 2025. (The Police Dept. has endorsed these closures. Many Police Officers and Parking Control Officers will be hired by the organizer. Flaggers will also staff race intersections.)

(continued)

Street	Area	Lanes Closed	Starting	Ending
Beach	York to Commercial	southbound lane	8:00 AM	10:15 AM
Bowdoin	Chadwick to Neal	eastbound lane	8:00 AM	10:00 AM
Carroll	Neal to Chadwick	westbound lane	8:00 AM	10:00 AM
Center	Spring to Fore	northbound lane	3:00 AM	12:00 PM
Center	Fore to Commercial	both lanes	7:00 AM	11:00 AM
Chadwick	Carroll to Bowdoin	southbound lane	8:00 AM	10:00 AM
Clark	Danforth to York	southbound lane	8:00 AM	10:15 AM
Clifford	Neal to Vaughan	westbound lane	8:00 AM	10:00 AM
Commercial	Union to Valley	westbound lane	7:45 AM	10:30 AM
Commercial	Valley and West Commercial	eastbound lane	7:30 AM	9:00 AM
Cross	Free to Spring		3:00 AM	12:00 PM
Cross	Fore to Commercial	both lanes	7:30 AM	10:30 AM
Cutter		both lanes	7:00 AM	9:00 AM
Danforth	Valley to Clark	both lanes	7:50 AM	10:15 AM
Fletcher		both lanes	8:00 AM	10:00 AM
Fore	Franklin St to E Prom	runners' lane on water side	6:55 AM	8:00 AM
Fort Allen Park loop		both lanes	7:00 AM	8:00 AM
Franklin	Middle St to Fore	both lanes	6:55 AM	7:15 AM
Franklin	Middle St to Fore	both lanes	7:30 AM	7:45 AM
High	York to Commercial	both lanes	7:45 AM	10:30 AM
Maple	York to Commercial	both lanes	7:45 AM	10:30 AM
Middle	Union to Franklin St	both lanes	6:55 AM	7:15 AM
Middle	Union to Franklin St	both lanes	7:30 AM	7:45 AM
Neal	Pine to Clifford	southbound lane	8:00 AM	10:00 AM
Orchard		both lanes	8:00 AM	10:00 AM
Park	York to Commercial	southbound lane	7:45 AM	10:30 AM
Pine	Western Prom to Vaughan	eastbound lane	8:00 AM	10:00 AM
Spring	Center to Union	both lanes	3:00 AM	12:00 PM
Valley	W Commercial to Danforth	right turning lane only	7:50 AM	9:45 AM
Vaughan	Pine to Danforth	both lanes	8:00 AM	10:00 AM
Western Prom	Vaughan to Bowdoin	both lanes	7:55 AM	9:45 AM
York	High to Center	runners' lane on water side	7:45 AM	10:30 AM

(continued)

The organizer will reach out to the many businesses along the race route, including businesses in the Start/Finish Line area, as well businesses along Center St, Middle Street, Fore Street, and Commercial Street to alert them to the street closures and traffic delays on Saturday morning.

In the event the start of the Half Marathon is delayed, the ending times of the above street closures would also be delayed/pushed back.

For Commercial Street, the “west-bound” lane (Union St to Valley St) will be closed to traffic and used for runners. Police will close access to the east-bound lane to regular traffic starting at Valley St and West Commercial Street from 7:30 AM to 9:00 AM. However, Police will allow commercial vehicles through that need access to the waterfront businesses. The waterside (east-bound lane) will only be open to vehicles coming from the waterfront businesses. A single row of barricades will be placed on Commercial St to divide the east and west bound lanes from Valley Street to Franklin Street. Vehicles will be permitted to cross over Commercial Street at the intersections of Park Street, Union Street, Pearl Street, and Franklin St (with police assistance, when space between runners allows).

For Commercial Street proper (Union St to Franklin St), the runner’s lane will be down the “center turn lane” of Commercial Street. Two rows of barricades will be used. At this point along Commercial Street, there are 2 lanes for vehicles (westbound and eastbound – one on either side of the runners).

For streets near the beginning of the race route, Eastern Promenade and Fore Street (down to Hancock Street), a row of cones will be placed down the middle, and a runners lane will be setup on the water side of the street (so vehicles will still flow on the other side of the street).

For streets near the end of the race route, York Street (High Street to Center Street), a row of cones will be placed down the middle, and a runners lane will be set up on the water side of the street (so vehicles will still flow on the other side of the street).

Some streets will need to be posted "No Parking," including Spring Street, Center Street, Cross Street, Fore Street, Eastern Promenade Road, and possibly other streets along the race route. Cars parked illegally at these “No Parking” signs will be towed at the owner's expense.

In addition, the trails will have restricted use. Back Cove Trail, Eastern Prom Trail and Bayside Trail will need to be posted “Bicycles, Baby Strollers and Pets, not permitted on Trails during OPHM Race, Saturday, 7 – 10am.” Signs to be posted along the trails by organizer, a week in advance.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Shipyard Old Port Half Marathon & 5K organizer, for the use of the above-described area for said events, subject to the following conditions:

(continued)

- PA Systems will be set up (announcements & music) and used at the race in a number of locations along the race route, including Spring Street (start and finish line area), Back Cove Parking Lot (off Preble St), Eastern Prom Trail (near Sewage Treatment Plant), Loring Memorial Park, and Harbor View Memorial Park. Music and announcements will be made while runners are passing by these locations (between the hours of 6:00 AM – 11:00 AM). Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained under A-weighted 85 decibels / C-weighted 95 decibels and be configured by the event organizer and the City to focus volume away from residential housing, limiting any sound impacts in residential areas;
- Race organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage (as well as alcohol liability coverage) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes;
- Conditions for use of grounds, specified in a contract and permit issued from the Public Assembly Facilities Division, shall be adhered to;
- City permit fees, license fees, and costs for city staff assistance will be paid by the race organizer (race organizer will hire many Police Officers and Parking Control Officers to assist with street closures, detours, race intersections, Fire/EMS Officers to provide emergency medical services, and hire Public Assembly Facilities staff to oversee the Start/Finish Line;
- The route of the course is subject to change, depending on construction projects along the course and Police recommendations leading up to and on race day.

The City Manager is also authorized to issue such other temporary licenses and temporary permits, including licenses for food service establishments and permits for sales of non-food related items, as may be required by the Portland City Code, provided that all applicable requirements of said code have been met regarding the operation of said Festival.

Attachments: Application, Area Impact Study, Course Maps

Document prepared by Rusty Groh, PAFD Booking Coordinator



Public Assembly Facilities Division
 Andrew J. Downs, Director
 212 Canco Road • Suite A • Portland, Maine 04103
 (207) 808-5434

Single Concert Permit Application for PUBLIC PROPERTY(*)
Must apply at least seven (7) business days prior to event.
Permit Fee: \$50/day

* If the event is proposed for private property, you must obtain the necessary permits from the Permitting & Inspections Department. They can be reached at (207) 874-8557.

Number of Attendees:	5000 runners	Will Alcohol be Consumed?	YES or NO
YES			
Applicant Information			
Organizer/Business/Group Name(s):	Ventures Endurance		
Organizer/Business/Group Address:	6129 Airways Blvd, Chattanooga, TN 37421		
Applicant/Contact Person's Name:	Chip Hazewski		
Daytime Phone Number:	858-768-1916		
Phone Number Day of Event:	858-768-1916		
Email Address:	chip@venturesendurance.com		

Event Information			
Name of Event:	Old Port Half Marathon & 5k		
Event Location:	Downtown/Surround Streets -Spring/Union/Center		
Date of Event:	Saturday 6/7/25		
Time of Event (start to finish):	7AM-1PM	Time Frame for Amplified Music:	7AM-1PM
Type of Music/Amplified Sound (DJ, Live Band, Acoustic Performance, etc.):	DJ/Live Band		
Please list all bands/performers (If more space is needed, please utilize the back of this page.):			
TBD			

Read Carefully & Sign: I/we understand that any misstatement of material fact in the above application may result in denial of this permit or revocation if the permit has already been issued.

Signature: Chip Hazewski

Date: 1/22/25

For more information about City Codes regarding Single Concert/Single Dance permits, please see Chapter 4 of the Code of Ordinances at www.portlandmaine.gov.

Email Sent:

Dept.

Fire
 PD
 Treasury

Approval Received

Fee:

Cash: _____
 Check: _____
 CC: _____



**TIER III / SPECIAL EVENT
PUBLIC PARK AND SPACE**
City of Portland, Public Assembly Facilities Division
212 Canco Road Suite A
Portland, Maine 04103
207-808-5434
Rusty Groh - rgroh@portlandmaine.gov



**TIER III APPLICATION FEE \$50.00
EXPECTED ATTENDANCE 2000+**

PAYMENT MUST BE MADE WHEN SUBMITTING COMPLETED APPLICATION

(This is a transferable/non-refundable fee. If your event is permitted, the \$50.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, 3) insurance required and 4) Area Impact Study. There may be fees due and applications required from other City Departments.

TODAY'S DATE	10/23/2024	ORGANIZATION NAME	Ventures Endurance		
ADDRESS (Street/City/State/Zip)	951 Corporate Grove Dr, Buffalo Grove, IL 60089				
CONTACT NAME(S)	Evan Dolecki / Chip Hazewski		TITLE(S)	Event Operations Manager / Sr. Director of Road Race	
PHONE	860.921.6945	PHONE	858.768.1916	PHONE	
EMAIL	edolecki@venturesendurance.com	EMAIL	chip@venturesendurance.com	EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Eastern Prom Trail, Bayside Trail, Back Cove Trail, Portland Streets, Start & Finish and after		
EVENT DAY(S) & DATE(S)	Saturday, 6/7/2025	RAIN DAY(S) & DATE(S) (50% added fee)	N/A
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	2:00 AM to 11:30 PM On Put	EVENT START & END TIME	7:00 AM to 10:30 PM

EVENT NAME	EVENT CLASSIFICATION Road Race, Parade, Public Assembly, Music Festival	EXPECTED ATTENDANCE
Shipyards Old Port Half Marathon & 5K (14th Annual) http	Road Race	5,000 runners / 1,500 spectators

AREA IMPACT STUDY: Please be as specific as possible regarding the area of public space/park that you would like to permit and please describe the event in detail using the **AREA IMPACT STUDY** ([link to form that needs to be filled out](#))

AREA IMPACT STUDY CHECKLIST

COMPLETED

1. Description of event. Brief description of event and event history so that all departments may better understand your event request. (Downloadable format)	x
2. Permits. Include all applicable permits from all pertinent city departments.(Fire,Police,City clerk...)	x
3. Detailed site plans. Include maps of venue, parade and course routes, parking/shuttle plans, evacuation plans... (Downloadable format)	x
4. Event components. Event time frame, sound levels, neighborhood impacts, road closures, security/police, EMS services. (Downloadable format)	x

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: ☒ FEE ☐ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$24 to \$109

PLEASE CHECK OFF AND ANSWER:

Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.			
	X-YES	X-NO	AIS
* Are you setting up a canopy(s) ? (10'x10' size or smaller) How many? 20	x		
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 207-874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	x		Permit Required Include on Site Plan
* Will you be setting up tables and/or chairs ? How many tables:60 chairs: 20	x		Include on Site Plan
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: Arch, Traffic Cones, Barricades	x		Include on Site Plan
* Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from the Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (207-874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	x		License Required Include on Site Plan
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (207-874-8557) – 2 week notice. List items you wish to sell: Shirts, hats, stickers	x		License Required Include on Site Plan
* Do you wish to sell or provide Alcohol ? If yes , you must complete the application for a Liquor License specific to your event through the State of Maine and submit the application to the City of Portland Business office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email- MaineLiquor@maine.gov .	x		License Required
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	x		License Required Include on Site Plan & Event Components
* Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.		x	
* Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		x	
* Will the event require reserved parking spaces / parking meters ? How many? 250 "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	x		
* Will your event need safety vests, signs, barricades and/or cones ? 98 barricades Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (207-874-8493).	x		
* Will your event require street closures ? Will your event affect METRO BUS ROUTES ? (Please be specific under "Description of Event") Yes, road closures will be required	x		Include on Event Components

*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: https://portlandmaine-portal.app.transform.civicplus.com/forms/26740	x		Required
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 207-874-8400.	x		Required
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 207-874-8910 well in advance to arrange.	x		
*	Will your event require portable-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$75 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic. 1 unit/50 people when serving alcohol 1 unit/75 people with no alcohol	x		Include on Site Plan
*	Will your event require waste management and recycling? What is the waste management plan? Yes, a 30 yard dumpster will be on-site. Garbage to Garden will be managing all the waste at the event including recycling, composting, and garbage.	x		Include on Site Plan & Event Components
	For events where more than two thousand (2,000) individuals anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such a bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.	x		Required

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	x		Required
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to rgroh@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by the organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to

call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, the organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used this may need to be approved by the Portland Fire Department. Please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

FIREWORKS

Organizers wishing to have fireworks as part of their event must contact the Portland Fire Department directly. Permits will need to be obtained through the Portland Fire Department, the State of Maine and possibly through the US Coast Guard.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, marijuana, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office. If the Police Dept./City Staff receive noise complaints, they will respond accordingly. Please set the PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELATION POLICY

Events must be canceled with PAFD prior to the event date in order to be eligible for a refund. If canceled within 2 weeks of the scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION
Please keep a copy of your event permit on site at all times. City staff may require proof of permit. If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574.. You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event. Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place. Please notify any nearby neighborhoods, businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION
Should an event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If an event impacts METRO Buses, the organizer (in advance) must discuss detour plans with Parks Rec and Facilities..

REVOCABLE PERMIT
◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property. ◆ The City reserves the unconditional right to revoke or revise an issued permit. ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	ECD	DATE	10/23/2024
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ASSUMPTION OF RISK & LIABILITY					
Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.					
<table border="1"> <tr> <td>I have read the Assumption of Risk & Liability Agreement</td> <td>TYPE INITIALS</td> <td>ECD</td> <td>DATE</td> <td>10/23/2024</td> </tr> </table>	I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	ECD	DATE	10/23/2024
I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	ECD	DATE	10/23/2024	

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.
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PLEASE RETURN FORM AT LEAST 60 DAYS IN ADVANCE TO:
◆ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: raroh@portlandmaine.gov

FEE SCHEDULE – UPDATED FEBRUARY 2024	
Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.	
Simple Event (no registration fee): \$75/hour Event with registration or pledges & attendance 25 - 300: \$150/hr. Event with registration or pledges & attendance 301+: \$250/hr. Film/Photo Shoot: \$150/day Public Space/Park Security Deposit: \$100 - \$1000 Sound Security Deposit: \$100 - \$1,000 Impact/Street Closure Fee (variable based on impact): \$100-\$500 Staff Fee: Event Mgr - \$45/hr. Event Staff - \$23-28/hr Administrative Fee (event coordination support): \$40/hr. (or more) "No Parking" Signs: \$32.50/ea. Event Cancellation Fee: \$75	Electricity (activation/deactivation) Fee: \$40/flat Porta Restroom User Fee (if attendance is 150+): \$75 Entertainment License: \$50 Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit Bikes: \$10/ea. Rental Fee + \$25/ea. Security Deposit Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit Safety Vests: \$15/ea. Security Deposit Keys: \$50/ea. Security Deposit Equipment Delivery Fee: \$100 Each Way (or more) Fortification Fee: TBD

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)			
Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/deactivation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT
Checks should be made payable to City of Portland There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

FOR OFFICE USE ONLY							
APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

Merchandise -Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.)? If so, please apply for a **Street Goods Vendor License(s)** at the Business Licensing Office (207-874-8557)
<https://content.civicplus.com/api/assets/9ef5d795-ac26-4794-9e38-c2f0bb9c9f04?cache=1800>

Tents/Stages -Do you wish to set up a **tent(s)** and/or **stage(s)**? A canopy/tent or stage larger than 10'x10' needs a **Temporary Tent or Stage Permit** issued by Building Inspections
<https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8>

Alcohol sales -Do you wish to sell **alcohol**? You must complete the application for a **Liquor License** specific to your event through the State of Maine and submit the application to the City of Portland Business Licensing office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email-MaineLiquor@maine.gov. <https://www.maine.gov/dafs/bablo/liquor-licensing/license-and-permit-applications>

Food Sales - Will there be food vendors? If so, you must apply for a **Temporary Food Service License** from the Business Licensing Office.
<https://content.civicplus.com/api/assets/12f35a2a-e2a4-4d87-bf05-9ec89545e996?cache=1800>

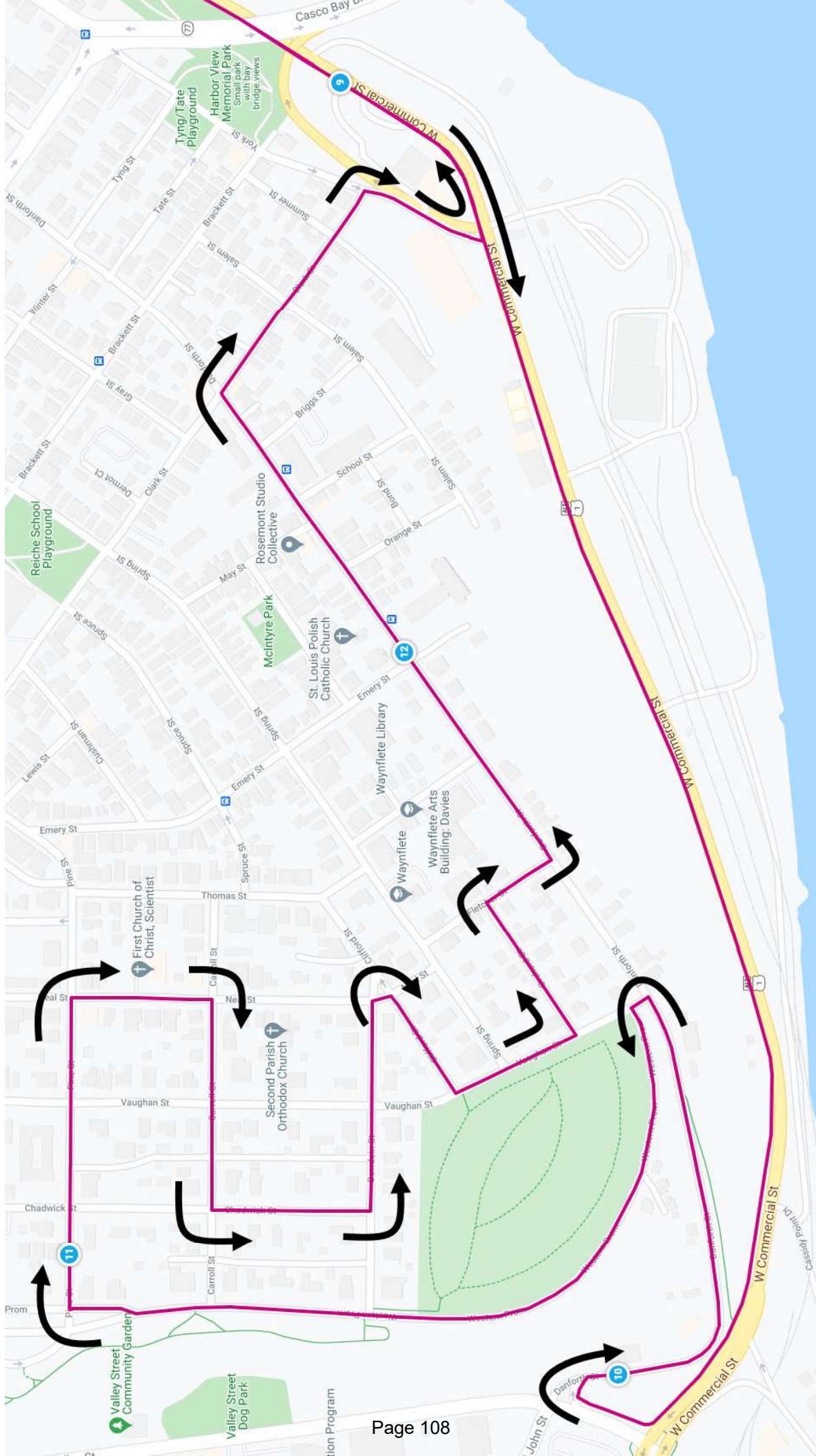
Police - Will your event require **Police** assistance?
<https://odm.officertrak.com/Portland-PD-ME/auth/signin>

Fire/EMS - Will your event require **Fire/EMS** assistance? Email Fire Department - fireprevention@portlandmaine.gov

Amplified Sound - Will your event have amplified sound. If you are having amplified music at your event you will need to fill out an Entertainment License.

Half Marathon Course







MEMORANDUM
City Council Agenda Item

FROM: Kevin Kraft, Deputy Director

DATE: December 30, 2024

SUBJECT: Order 129-24/25 Accepting the Portland Public Art Committee Fiscal Year 2024 Annual Report and Fiscal Year 2025 Budget Plan - Sponsored by Danielle P. West, City Manager

SPONSOR: City Manager, Danielle West
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading

Final
Action 2/3/2025

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Kevin Kraft, Director Planning & Urban Development (5 minutes)

I. SUMMARY

Order accepting the FY24 Annual Report and FY25 Budget Plan recommended by the Portland Public Art Committee.

II. AGENDA DESCRIPTION

On September 18, 2024, the Portland Public Art Committee voted (10-0, Pelletier absent) to recommend the Fiscal Year (FY) 24 Annual Report and FY25 Budget Plan to the Portland City Council.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Public Art Program Ordinance requires the Portland Public Art Committee to make an Annual Report to the Council to present an Annual Public Art Plan with proposed budget for the Council's consideration.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Present the FY24 Annual Public Art Report and FY25 Budget Plan according to the public art program ordinance. Acceptance of this report results in the approval of the proposed budget for FY25 allowing the committee to proceed with its activities. The Public Art Committee efforts seek to fulfill its role as steward of its public art collection and help nurture and enrich thereby the quality of life in Portland.

V. FINANCIAL IMPACT

The FY25 budget plan uses funds already allocated to the PPAC budget, which are generated through the 0.5% for Public Art in the CIP. Acceptance of the Annual Report and Budget Plan constitutes acceptance of the proposed budget allocations contained within the plan. The budget allocations for FY25 continue conservation of the collections, maintenance, operations and funds towards future artwork acquisitions. The budget allocations also include a contingency fund to cover potential loss, damage, replacement of artworks or community artwork grant projects.

VI. STAFF ANALYSIS AND BACKGROUND

The Budget Plan focuses on conservation, maintenance, and setting aside funds for new artwork acquisitions of the collection to improve the quality of the built environment for residents and employees and further improve the public image of the city for visitors.

VII. RECOMMENDATION

On September 18, 2024 the Portland Public Art Committee voted unanimously (10-0, Pelletier absent) to recommend the FY24 Annual Report and FY25 Budget Plan to the City Council. The Planning and Urban Development Department supports the acceptance of this report, its associated actions, and the budget plan allocating the FY25 0.5% CIP funds as meeting the requirements set forth in Chapter 14, Article 20, Public Art Program Ordinance.

VIII. LIST ATTACHMENTS

1. Order - Accepting the Public Art Committee FY24 Annual Report and FY25 Budget Plan
2. FY24 Public Art Committee Annual Report

Prepared by:

Kevin Kraft, Deputy Director

Date: 12/30/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING THE PORTLAND PUBLIC ART COMMITTEE FISCAL YEAR
2024 ANNUAL REPORT AND FISCAL YEAR 2025 BUDGET PLAN**

ORDERED, that the Fiscal Year 2024 Annual Report and Fiscal Year 2025 Budget Plan of the Portland Public Art Committee, attached hereto, is hereby accepted.

FY24 Public Art Committee Annual Report & FY25 Budget Plan

I. Overview

II. Administrative Updates

- A. Committee Members
- B. Administration and Policy
- C. Subcommittees:
 - 1. Governance Subcommittee
 - 2. Acquisitions Subcommittee (formerly Gifts Subcommittee)
 - 3. Communication Subcommittee
 - 4. Collection Management Subcommittee (formerly Site Selection Subcommittee)

III. Conservation & Maintenance

- A. Conservation Projects
 - 1. *Jewell Box* bus shelter (District 1)
 - 2. *Birdhouse Heads* by Bernard Langlais (District 1 and District 5)
 - 3. *Major Charles J. Loring Memorial Park* (District 1)
 - 4. *Czar Reed* (District 2)
 - 5. *The Hiker* (District 2)
 - 6. *Playing Bears* (District 3)
 - 7. *Tidal Moon* (District 3)

IV. Acquisitions

V. Accomplishments in FY24

- A. Signage implementation:
 - 1. *Gathering Stones* (District 1)
 - 2. *Passing the Torch* (District 2 and District 3)
- B. Temporary Public Art:
 - 1. *Painting Outside the Box* by Portland Downtown (District 1)
 - 2. *Art Trail* by Portland Museum of Art (District 1)
 - 3. *Oysters in the Park* by Jordan Parks (District 1)
 - 4. *Impact of Change* by World Affairs Council of Maine (District 1)
 - 5. *Refuge* repainted by Friends of Woodfords Corner (District 3)
 - 6. *Dancing for Joy (By the Will of the People)* by TEMPOarts (District 1)

- 7. *Belonging* by Sofia Aldinio (District 1)
- C. Guidelines for Public Art Ordinance:
 - 1. Revisions to the Guidelines for Temporary Public Art – Security Deposit

VI. Goals for FY25

- A. Communications
- B. Conservation and Maintenance
- C. Contingency fund
- D. Collection

VII. Proposed Budget FY25

I. Overview

In April 2000, the City Council established the Portland Public Art Program to preserve, restore, and enhance the City's public art collection. The Portland Public Art Committee (PPAC) is tasked to commission art that engages the surrounding environment to facilitate a sense of place by expressing the spirit, values, and visions of Portland through public art.

The public art collection currently contains sixty-one permanent pieces installed throughout Portland and one long-term loan. Details on the collection can be viewed on the Public Art website (<https://www.publicartportland.org/>). The collection comprises works of both historical significance dating from the nineteenth century; and contemporary pieces reflecting Portland's diversity and spirit. The PPAC administers the Portland Public Art Program; the Committee's responsibilities are outlined in Article 20 of Chapter 14 of the City Code (Public Art Program). The Committee refers to the Guidelines for the Public Art Ordinance (Volume 2, Number 1 – revised 2021) for direction in administering their responsibilities.

The Portland Public Art Committee is responsible for the following:

- Develop and present an Annual Public Art Plan to the City Council which includes recommendations for the use of allocated CIP funding; program administration; conservation of the collection; and initiation of new projects;
- Provide recommendations to the City Council regarding proposed gifts to the collection;
- Seek donations to fulfill Committee responsibilities in the case that CIP funding is insufficient;
- Recommend appropriate locations for the installation of public art;
- Promote public awareness and engagement between the public and the collection.

II. Administrative Updates

A. COMMITTEE MEMBERS

The Committee for 2024-2025 (FY25) was as follows:

- Anna Berke, Chair. Director, Foundation and Government Development at WETA
- Sharon Dennehy, Vice-Chair. NOTCH8 Gallery owner/curator, visual artist
- Kat Zagaria Buckley, Director of Exhibitions and Outreach, University of Southern Maine
- Phoebe Cole, Art and Creative Consultant
- Alison Gibbs, Art Curator at Maine Jewish Museum
- Lindsay Hancock, Creative Portland Appointee, visual artist
- Kelly Hrenko, City Manager's Appointee, Professor of Art Education – University of Southern Maine
- Jessica Lauren Lipton, Marketing Director at Casco Bay Artisans and artist at Pop Killed Culture
- Stephanie Motter, Communication Coordinator at Georgia School Boards Association
- Councilor Victoria Pelletier, City Council Representative
- John Whipple, Principal at Whipple Callendar Architects.

Management & Administration:

- Sean King, Urban Designer, Planning and Urban Development Department

B. ADMINISTRATION AND POLICY

In summer 2024 the Committee held several meetings and agreed upon the following goals for the next five years:

- Finalize the acquisition of all encumbered artworks, including *Shattered Sphere* by Sarah Sze and *Keeper of the Picnic* by Christopher Miller;
- Evaluate the Guidelines for Public Art Ordinance;
- Expand the presence of public art in outer Portland through initiatives such as Community Art Projects or temporary art event coordination. This objective focuses on collaborating with ongoing and upcoming City projects, exploring partnership opportunities, and identifying potential sites to be ready for gift opportunities as they arise.
- Further public education, interest, and enjoyment of public art by providing public art walks or public art guides in Portland; and to publicize and archive the collection. This includes revising the website to provide additional functions and increase traffic, increase social media presence, and to meet with City stakeholders to reinforce our mission;
- Increase donation solicitation for projects supported by the PPAC, particularly for projects that enhance community engagement and identity. To solicit grant and private money for current and upcoming projects;
- Prioritize site selections based on the Public Art Committee's commitment to locate public art more equitably throughout Portland with a particular focus on neighborhoods with no or limited public art installations.
- Continue to provide forums for public input, including offering committee meetings in a hybrid format for both in-person and virtual participation.

Ultimately, these goals aim to contribute to Portland's identity as a cultural destination. The Committee recognizes that the prevalence and quality of Public Art will greatly contribute to Portland's overall image and increase both national and international recognition.

C. SUBCOMMITTEES

1. Governance Subcommittee

The Public Art Committee welcomed new committee members including: Alison Gibbs an Art Curator at Maine Jewish Museum. Additionally, Phoebe Cole was reappointed to a 3-year term. The committee's city council representative was Councilor Victoria Pelletier (District 2).

2. Acquisitions Subcommittee (formerly Gifts Subcommittee)

Public Art Committee Members Phoebe Cole, Kelly Hrenko, and Kat Zagaria Buckley collaborated to develop a more accessible process for inquiries directed to the Public Art Committee. Moving forward, the Acquisitions Subcommittee remain committed to establishing and implementing practices and policies that prioritize accessibility and inclusivity.

The creation of an inquiry form marks the first time in the Committee's history that there is a dedicated, plain language, fillable document available to interested parties containing information on exactly what the PPAC looks for in an acquisition. This was listed as a goal in last year's Annual Plan. This form is a first step for organizations and community groups interested in the potential acquisition/placement of artwork in the city's permanent collection. It gathers as much relevant information as the interested party can share with the committee. The inquiry form is now live and listed on the PPAC website. When direct inquiries occur, it is shared with interested parties. We have seen numerous interested parties representing neighborhood members and artists use it.

No gifts of public art were presented to City Council FY24.

3. Communications Subcommittee

Public Art Committee members Stephanie Motter, Kelly Hrenko, and Anna Berke continue to update and improve the committee's web site (<https://www.publicartportland.org/>) with updated photographs and collection descriptions. The Public Art Committee continues to extend outreach and education of the collection through social media (Facebook and Instagram) with weekly posts to engage members of the public.

4. Collection Management Subcommittee (formerly Site Selection)

Public Art Committee members Anna Berke, Sharon Dennehy, Lindsay Hancock, Kat Zagaria Buckley, and Alison Gibbs reviewed potential site locations to identify areas lacking public art. Their prioritized recommendations include Riverton Trolley Park in the Riverton neighborhood, the North Deering neighborhood, the Portland Homeless Services Center at 654 Riverside Street, and future MaineDOT projects that have the opportunity to foster community engagement.

The Collection Management subcommittee identified potential community organizations and businesses in target areas that may be interested in collaborations or may have ideas and thoughts on how to involve the community. The Collection Management subcommittee also continued to monitor the interactive map available on the Public Art Committee website (<https://www.publicartportland.org>) to inform site placement and ensure accurate data on current artwork locations and descriptions.

III. Conservation & Maintenance

The purpose of the Public Art Program is to care for and maintain art works in the public art collection. It is essential to the longevity and safety of the works in the collection to engage a conservator for conservation and repair of our public art collection. Conservation and maintenance included the following:

A. Conservation Projects:

1. Jewell Box Bus Shelter (District 1)

City Staff were informed that several glass panels associated with the Jewell Box Bus Shelter located along Congress Street near Monument Square were damaged by corrosive graffiti. The graffiti required the glass panel was at the expense of the public art fund at a total of \$1,806.29 during FY24. Two glass panels were replaced again in FY25 due to damage caused by corrosive graffiti. The ongoing frequency of graffiti continues to impact this public resource. City staff are actively consulting with the artist and contractors to explore alternative solutions for sustainable maintenance.



Figure 1: Glass Panels damaged by graffiti



Figure 2: Glass Panels replacement

2. ***Birdhouse Heads* by Bernard Langlais (District 1,5)**

Jake Gleesman, the principal at Deering High School, contacted City Staff and members of the Portland Public Art committee to ask for any guidance or requests on proper cleaning of The Langlais Birdhouse Heads. Committee members decided to inspect not only the ones at Deering High School but also the others located at Casco Bay High School and Portland High School. The Langlais collection was a gift of the Kohler Foundation on behalf of the Langlais Estate.

Deering High School

Committee members assessed the two birdhouses located at Deering High School and found them to be in overall very good condition. They observed some dust on the tops and recommended using a feather duster gently to avoid disturbing the placement of the nails. Additionally, a small area of graffiti consisting of three letters drawn in marker was noted on one of the birdhouses. It is recommended to engage a conservator to remove the graffiti and ensure the surrounding wood surface is properly matched.

Casco Bay High School

A Committee member visited the Langlais birdhouses at Casco Bay High School and found them to be in good condition. However, their placement in a stairwell limits the ability to conduct a thorough inspection. The member suggested launching a social media campaign

to highlight the Langlais pieces in the City's collection, drawing attention to these unique works.

Portland High School

A Committee member met with Portland High School (PHS) Principal Sheila Jepson and the head custodian to inspect the three Langlais "Birdhouse Heads" installed at the school in 2014. Located indoors behind a bench in an atrium, the pieces are in generally good condition. The custodian reports dusting them once a year. However, there are several areas of concern: dust accumulation on the tops of the pieces, chipping and wear in a few spots, signs of nibbling or wear around one of the eyes where a bird may have nested, and gum on the bottom of one piece. The custodian plans to increase the frequency of dusting and will remove the gum using appropriate tools and products to prevent further damage.



Figure 3: Birdhouse Heads at Deering High School



Figure 4: Birdhouse Heads at Casco Bay High School



Figure 5: Birdhouse Heads at Portland High School

3. Major Charles J. Loring Memorial Park (District 1)

On April 10, 2023, a vehicle struck an engraved granite post facing the Eastern Promenade roadway. The responsible party did not have insurance. A replacement granite post was installed in June 2024. Additionally, on May 20, 2024, another vehicle incident damaged two split boulders, requiring replacement through an insurance claim. This replacement is included in Section VI: Goals for FY25.

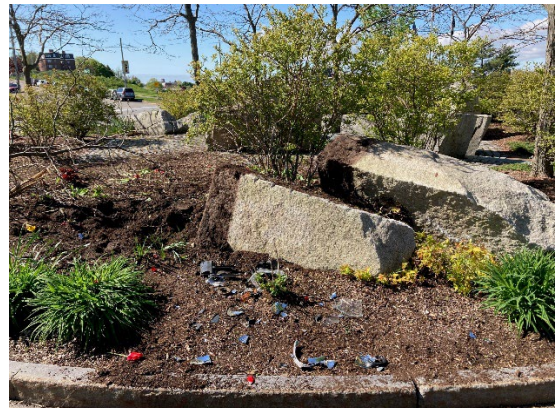


Figure 6: Granite sentinel post replacement

Figure 7: Split boulder collision, replacement in FY25

4. Czar Reed (District 2)

Taggart Object Conservation LLC applied a wax protection coating to the sculpture in June 2024 and discovered graffiti that had been painted over. Staff and a committee member subsequently removed the graffiti.



Figure 8: Graffiti removal progress



Figure 9: Finished conservation with wax coating, graffiti removal

5. The Hiker (District 2)

In June 2024, Taggart Object Conservation LLC applied a wax protection coating to the sculpture located in Deering Oaks Park.

6. Playing Bears (District 3)

Tuckerbrook Conservation LLC completed a repair to artist Bernard Langlais' wooden sculpture at the Portland Jetport. The repair involved replacing a broken wooden foot and several missing claws.



Figure 10: Playing Bear restoration at Portland Jetport

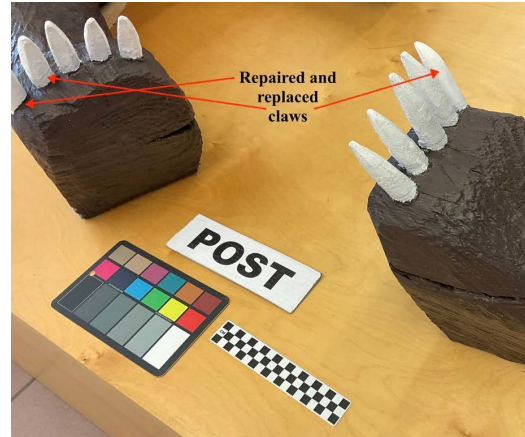


Figure 11: Playing Bear restoration with replace claws

7. *Tidal Moon* (District 3)

Artist Jesse Salisbury carried out an emergency repair on the *Tidal Moon* sculpture, located outside the Portland Jetport, in June 2024 following a vehicle collision. The repair involved cleaning the surface, etching to restore an even and clean appearance, and applying a waterproof sealer to the entire sculpture.



Figure 12: *Tidal Moon* restoration photo, courtesy of Jesse Salisbury

IV. Acquisitions

There were no acquisitions of public artwork during FY24.

V. Accomplishments in FY24

A. Signage implementation:

1. *Gathering Stones* (District 1)

Location: Eastern Promenade Trail

In collaboration with artist Jesse Salisbury, the Public Art Committee created unique engraved signage for the artwork, which was installed in July 2023.



Figure 13: Gathering Stones signage adjacent to Eastern Promenade Trail

2. *Passing the Torch* (District 2/3)

Location: Deering Center

In collaboration with artist Mark Pettegrow, the Public Art Committee created a sculpture replica, donated by the artist, along with two signage plaques to describe the artwork, which were installed in September 2023.



Figure 14: Passing the Torch sculpture replica and signage in plaza

Figure 15: Passing the Torch sculptures within Deering roundabout

B. Temporary Public Art:

1. *Painting Outside the Box* by Portland Downtown (District 1)

Portland Downtown commissioned individual artists to paint murals on existing public utility boxes throughout downtown as a creative response to public concerns about graffiti. On May 5, 2023, Portland Downtown participated in a virtual review panel, which was open to the public. The panel included City staff from Planning & Urban Development and the Department of Public Works, as well as representatives from the Portland Public Art Committee.

2. *Art Trail* by Portland Museum of Art (District 1)

The Portland Museum of Art temporarily installed seven art reproductions along the Eastern Promenade Trail for public viewing. A virtual review panel, held via Zoom on July 21, 2023, was open to the public and included City staff from Planning & Urban Development, Housing and Economic Development, and the Parks Department, as well as representatives from the Portland Public Art Committee.



Figure 16: PMA Art Trail reproduction



Figure 17: PMA Art Trail reproduction

3. *Oysters in the Park* by Jordan Parks (District 1)

Artist Jordan Parks created a temporary art installation featuring printed sailcloths attached to the existing banner poles within Congress Square Park. Commissioned by the Friends of Congress Square Park, the artist participated in a virtual review panel held via Zoom on August 22, 2023. The panel, open to the public, included City staff from Planning & Urban Development and the Parks Department, a representative from the Portland Public Art Committee, and a designated artist.



Figure 18: Oysters in the Park in Congress Square Park



Figure 19: Oysters in the Park on banner poles

4. **Impact of Change by World Affairs Council of Maine (District 1)**

The Portland Museum of Art temporarily installed seven art reproductions along the Eastern Promenade Trail for public viewing. A virtual review panel, held via Zoom on July 21, 2023, was open to the public and included City staff from Planning & Urban Development, Housing and Economic Development, and the Parks Department, along with representatives from the Portland Public Art Committee.



Figure 20: Impact of Change at Amethyst lot on Eastern Waterfront



Figure 21: Impact of Change at Amethyst lot on Eastern Waterfront

5. **Refuge repainted by Friends of Woodfords Corner (District 3)**

Four artistically painted crosswalks, created by artist Meghan Kirshbaum and installed by volunteers, were placed at the northern end of Deering Avenue near Woodford Corner. The use of colors and patterns in the crosswalks was intended to enhance placemaking, promote traffic calming, and create an attractive destination.



Figure 22: Refuge repainting of painted crosswalk in Woodford corner

6. ***Dancing for Joy (By the Will of the People)* by TEMPOarts (District 1)**

The artist duo, the Myth Makers, created a temporary art installation of intertwined bamboo sculptures representing two great egrets, located along the Back Cove Trail and easily accessible from the Back Cove Trail parking lot. The artists were commissioned by TEMPOarts and participated in a virtual review panel held via Zoom on February 6, 2024. The panel, which was open to the public, included City staff from Planning & Urban Development and the Parks Department, along with representatives from the Portland Public Art Committee.



Figure 23: *Dancing for Joy*, photo courtesy of TEMPOart



Figure 24: *Dancing for Joy*, photo courtesy of TEMPOart

7. ***Belonging* by Sofia Aldinio (District 1)**

Artist Sofia Aldinio created a temporary art installation in Congress Square Park featuring digitally printed banners to showcase a storytelling workshop by participants from the immigrant community. The artist was commissioned by the Friends of Congress Square Park and participated in a virtual review panel held via Zoom on April 30, 2024. The panel, open to the public, included City staff from Planning & Urban Development and the Parks

Department, along with a representative from the Portland Public Art Committee and a designated artist.



Figure 25: Belonging temporary installation in Congress Square Park



Figure 26: Belonging temporary signage on Congress Street

C. Guidelines for Public Art Ordinance:

1. Revisions to the Guidelines for Temporary Public Art – Security Deposit

To improve clarity regarding the types of payment methods for security deposits, the following change is being recommended to the Guidelines for Temporary Art eligibility section:

Security Deposit

A security deposit will be required and must be submitted ~~by in-cash, check, or by credit card~~ to the Department of Planning & Urban Development. The amount of the deposit will be based on the estimated cost to remove the installation and restore the site. Typical security deposits will range from \$100 to \$1000. The security deposit will be retained until the artwork is removed, site restoration has been approved, and all required documentation has been submitted. (See “Artwork Removal and Site Restoration Documentation” on page 4.) Upon fulfillment of these requirements, the security deposit will be returned in full. In case it becomes necessary for the City to remove the artwork and/or restore the site, the City’s costs will be deducted from the security deposit.

In accepting this Annual Report, the City Council is accepting the proposed revisions to the Guidelines for Public Art and Temporary Public Art for the Portland Public Art Program.

VI. Goals for FY25

1. COMMUNICATIONS

- Create a digital reference file folder for committee members.
- Continue social media posts to promote the public art collection.

2. CONSERVATION & MAINTENANCE

- Consider conducting a current assessment of the public art collection to evaluate and prioritize future conservation projects.
- Replace the damaged split boulders at the Major Charles J. Loring Memorial Park.
- Create a collection management digital filing system to inventory existing collection, track conservation priorities and maintenance projects.

3. CONTINGENCY FUND

- Explore Community Art grant opportunities in partnership with local non-profit organizations

4. COLLECTION

- *Keeper of the Picnic* by Christopher Miller will be a new addition to the public art collection, contingent upon the construction of the redesigned Bramhall Square. Funding for the acquisition is provided by encumbered PPAC funds.
- *Shattered Sphere*, by Sarah Sze, will be a new addition to the public art collection once completed. *Shattered Sphere* will be incorporated into the redesigned Congress Square Park once construction is completed. *Shattered Sphere* acquisition is being funded by previously allocated PPAC funds and private donations.
- Evaluate new acquisitions of public art based on site location recommendations.
- The Collections Subcommittee will reach out to multiple Collection Analysts for bids on surveying the condition of the City's collection and providing recommended maintenance. Additionally, the Subcommittee will identify a conservator whose analysis ensures cost-effectiveness for our citizens while maintaining the high standard of care that reflects our commitment to the exemplary quality of the collection.
- The Collections Subcommittee will continue to review the labels for each collection item to ensure they align with the PPAC label standards established in 2023. This will include updating older labels and creating a plan for their phased replacement over time as funding permits.

VII. Proposed Budget FY25

The City allocates .05% of the annual Capital Improvement Plan (CIP) budget for the conservation and acquisition of permanent public art. This .05% allocation results in the \$50,000 FY25 Budget Plan detailed below.

Remaining Encumbrances from previously approved PPAC budget plans

	Activity	Description	Budget
A	Congress Square Public Art	New commission – Sarah Sze artist	\$176,000
B	Bramhall Square Artwork	New commission	\$26,560
	Total Encumbered		\$202,560

FY25 – Proposed Budget (July 1, 2024 - June 31, 2025)

	Activity	Description	Budget
A	Conservation and Maintenance	To cover routine maintenance, priority conservation items	\$ 10,000
B	Contingency Fund	To cover repairs, theft, replacement, plaque purchases, Community Art grants	\$10,000
C	New Artwork	Allocate funds for future acquisitions related to upcoming major infrastructure projects, including potential opportunities at Portland Harbor Commons, the Kiwanis Pool expansion, and the long-term Libbytown roundabout project.	\$30,000
	Total FY25 Budget		\$50,000

MEMORANDUM
City Council Agenda Item

FROM: Troy Moon, Sustainability Director

DATE: January 21, 2025

SUBJECT: Order 130-24/25 Accepting and Appropriating a \$15,500 StrengthenME Grant for the Coastal Cumberland County Project - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 2/3/2025

Final
Action 2/19/2025

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: Yes. Corporation Counsel developed the agreement with Maine Health.

PRESENTATION: Sustainability Director Troy Moon will be present to answer any questions.

I. SUMMARY

The order accepts \$15,500 from Maine Health as part of its StrengthenME program to support efforts to increase social and community resilience in Portland.

II. AGENDA DESCRIPTION

MaineHealth through its StrengthenME Crisis Counseling Program within its CHI/Community Health Program has partnered with the City of Portland Sustainability Office to provide \$15,500 for community outreach and education activities. The funds will support the Coastal Cumberland County Project and its programs to enhance social and community resilience in Portland neighborhoods.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

The Sustainable Neighborhood program supports Portland residents who seek to work with their neighbors on projects that improve their neighborhoods and increase social connections. For example, the Sustainability Office facilitates neighborhood block parties by helping organizers publicize their event, providing a kit with helpful supplies, and working with Parks, Rec, and Facilities to secure the necessary permits. The Sustainability Office also facilitate neighborhood clean ups by providing residents with clean up kits that contain bags, gloves, and trash grabbers. The office also coordinates volunteer opportunities in community gardens where neighborhood residents collaborate with gardeners to improve the garden spaces. During the past year more than 100 people volunteered in the gardens and the Sustainability Office supported 20 block parties and community clean up events. Funds from the grant will allow the Sustainability Office to continue these programs and offer additional resources to neighbors.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The funds will support efforts by the Sustainability Office to promote actions in neighborhoods that improve social connection and increase community resilience.

V. FINANCIAL IMPACT

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VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

Staff recommends accepting the funds.

VIII. LIST ATTACHMENTS

1. Order - Accepting and Appropriating a \$15.5k Grant from StrengthenME to Support Community Resilience
2. CCP_MH Consultant MOU FINAL

Prepared by:

Troy Moon, Sustainability Director

Date: 01/21/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$15,500.00 STRENGTHENME
GRANT FOR THE COASTAL CUMBERLAND COUNTY PROJECT**

ORDERED, that a grant in the amount of \$15,500.00 from MaineHealth's StrengthenME Crisis Counseling Program is hereby accepted and that amount appropriated to the Portland Sustainability Office to support the Coastal Cumberland County Project as set forth in the grant agreement attached hereto; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute the grant agreement in substantially the form attached hereto and whatever other documents are necessary to effect the intent and purpose of this Order.

**AGREEMENT BETWEEN
MAINEHEALTH
AND
THE CITY OF PORTLAND**

THIS AGREEMENT is entered into this ____ day of _____, 2025, by and between **MAINEHEALTH**, a nonprofit corporation organized and existing under the laws of the State of Maine with a principal place of business located at 110 Free Street, Portland, ME 04101 (hereinafter referred to as "**MAINEHEALTH**") the **CITY OF PORTLAND**, a body politic and corporate (hereinafter the "**CONSULTANT**").

W I T N E S S E T H:

WHEREAS, **MAINEHEALTH** is in need of consultant services for its StrengthenME Crisis Counseling Services Program for Cumberland County as outlined in the attached Exhibit A; and

WHEREAS, after due consideration, **MAINEHEALTH** decided to award this contract to **CONSULTANT**;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The **CONSULTANT** will furnish the services, materials, supplies and labor (hereinafter the "Work") in accordance with the specifications contained in Exhibit A.
2. The **CONSULTANT** covenants and agrees that all Work performed and furnished hereunder shall be in accordance with all applicable professional standards.
3. Each party is encouraged to procure and maintain professional liability insurance, commercial general liability insurance, and automobile liability insurance in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) and Workers Compensation Insurance as required by law. **CONSULTANT** is insured for general liability pursuant to the Maine Tort Claims Act through MMA's risk pool, and will provide **MAINEHEALTH** with a Certificate of Membership demonstrating proof of coverage upon request, which shall satisfy the requirements of this section
4. **MAINEHEALTH**, its successors and assigns hereby agree to indemnify and hold harmless the **CONSULTANT**, its successors and assigns, from any claim, costs, liability and expense arising from or attributable to any acts or omissions of the servants or employees of **MAINEHEALTH** in performing services pursuant to this Agreement. Subject to and within the defense, immunities and limitation of liability available to the

CONSULTANT under the Maine Tort Claims Act, 14 M.R.S.A. Sec. 8101 et seq. or other applicable law, the **CONSULTANT**, its successors and assigns hereby agree to indemnify and hold harmless MAINEHEALTH, its successors and assigns, from any claim, costs, liability and expense arising from or attributable to any negligent acts or omissions of the servants or employees of the CONSULTANT in performing services pursuant to this Agreement.

5. The CONSULTANT shall perform the work to the satisfaction of MAINEHEALTH'S Director of Community Health (hereinafter, the "Director") whose approval and acceptance of the work will be a condition precedent to payments by MAINEHEALTH under this Contract. The CONSULTANT acknowledges and agrees that such approval is for purposes of approving payment alone and such inspection shall not be deemed to impose any duty or liability upon MAINEHEALTH to supervise any aspect of or approve the quality of the Work.
6. Upon receipt of executed contracts and insurance as required, MAINEHEALTH will promptly send an executed contract to the CONSULTANT, which will commence work as soon as reasonably possible. The CONSULTANT agrees to complete the entire work by March 26, 2025. The time set for such completion may be extended only by written consent of the Director.
7. In the event of any dispute as to the amount, nature or scope of the work required under this Contract, the design and judgment of the Director or designee will be final and binding.
8. For performance of all the terms and conditions of this Agreement, MAINEHEALTH will pay the CONSULTANT Fifteen Thousand Five Hundred Dollars (\$15,500.00) which will include any expenses.
9. Either party may terminate this Agreement for cause by written Notice to the other party. In the event of such termination, the CONSULTANT shall not be entitled to any further payment under this Agreement from the date of receipt of said Notice.
12. Either party shall have the right to terminate this Agreement at any time for its convenience with prior written Notice to the other party. In the event MAINEHEALTH terminates this Agreement for its convenience, MAINEHEALTH shall pay the CONSULTANT for all Work performed and all materials purchased pursuant to this Agreement prior to receipt of such notice.
13. Out of concern for the public, MAINEHEALTH employees and the CONSULTANT's employees, all work performed by the CONSULTANT shall be in conformance with applicable local, state, and federal laws, ordinances, rules and regulations.
14. CONSULTANT and MAINEHEALTH agree to adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. This shall include compliance with the Workforce Innovation and

Opportunity Act; titles VI and VII of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37 and all other applicable laws, including the Maine Human Rights Act, ordinances and regulations regarding equal opportunity and equal treatment. CONSULTANT and MAINEHEALTH specifically agree that all employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by CONSULTANT and MAINEHEALTH where appropriate.

15. No waiver of any breach of any one or more of the conditions of this Agreement by a party shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.
16. This Agreement and its attachments represent the entire and complete agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the subject matter of this Agreement. This Agreement cannot be amended except by written instrument executed by MAINEHEALTH and CONSULTANT.
17. This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court.
18. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.
19. Each party warrants and represents that it has the full right and authority to enter into this Agreement, that there is no impediment that would inhibit its ability to perform its obligations under this Agreement, and that the person signing this Agreement on behalf of a party has the authority to do so.

20. Neither party may assign its rights or obligations under this Agreement without the other party's prior written consent.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date first set forth above.

WITNESS:

MAINEHEALTH

By: _____

Albert G. Swallow III
Its: Chief Financial Officer

WITNESS:

CITY OF PORTLAND

By: _____

Its City Manager

:

EXHIBIT A

MaineHealth through its StrengthenME Crisis Counseling Program (“CCP”) within its CHI/Community Health Program is intended to support participation in creating community resilience.

This recipient, in collaboration with MAINEHEALTH will help support community outreach and education activities under the StrengthenME initiative.

The City of Portland (“Consultant”) has been chosen to receive funds to compensate them for their consulting services and engagement with the StrengthenME - Coastal Cumberland County project. These funds provide an equitable opportunity to community entities to support the outreach and education activities in their town/city/island/neighborhood(s) recognizing the additional responsibilities/time and effort outside of their usual work.

Consultant will advise on the development and implementation of the outreach and engagement activities under the StrengthenME- Coastal Cumberland County project as follows:

- a. Contribute up to 30 hours per month for Portland mainland and up to 19.98 hours per month for Peaks, Cliff and the Diamonds Islands. These hours will include CCP efforts associated with organizing outreach, engagement to support survivors and promotion of outreach and education (meetings, emails, phone calls with the CHW or program lead). These hours will also include the following:
 - i. If applicable, arrange and provide access to community spaces to be used for educational sessions or support groups held during the course of the project.
 - ii. If applicable, attend any local (within Consultant’s town/city/island/neighborhood) StrengthenME events/educational sessions.
 - iii. Provide MaineHealth with any important community updates (safety issues, changes in staffing, etc.) throughout the course of the project.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 28, 2025

SUBJECT: Order 131-24/25 Amendment to Portland City Code Chapter 10 RE: Regulation of Explosives - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Anna Bullett, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

The Health & Human Services and Public Safety Committee met on January 14, 2025 and voted 4 - 0 to recommend passage to the full Council. This item relocates regulations of explosives from the Land Use Code (Chapter 14) to Fire Prevention and Protection (Chapter 10), which will support enforcement and public safety.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Amendment - Ch 10

2. Article 22
3. Chapter 10 Fire Prevention 6.3.2024
4. Chapter 11 STANDARD FOR BLASTING AND REGULATION OF EXPLOSIVES
5. MEMORANDUM Amendments to Chapter 10 Regulations of Explosives and updates to the Fire Prevention Rules and Regulations

Prepared by:

Date: 01/28/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 10
RE: REGULATION OF EXPLOSIVES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That the Sections 10-110 to 10-121 of the Portland City Code Chapter 10 are hereby amended to read as follows:*

Chapter 10 FIRE PREVENTION AND PROTECTION*

...

Art. I. NFPA 101: Life Safety Code, §§ 10-1--10-15

Art. II. NFPA 1: Fire Code, §§ 10-16--10-21

Art. III. Enforcement and Appeals, §§ 10-22--10-25

Art. IV. Hydrants, §§ 10-26--10-36

Art. V. Reserved, §§ 10-37--10-65

Art. VI. Fire Suppression Systems, §§ 10-66 - 10-90

Art. VII. Open Burning, §§ 10-91 - 10-99

Art. VIII. Signaling Systems for the Protection of Life and Property
§§ 10-100 - 10-107

Art. IX Regulation of Explosives, §§10-110 - 10-121

...

ARTICLE IX. REGULATION OF EXPLOSIVES

Sec. 10-110. Purpose.

The purpose of this article is to protect the public's health, safety, and general welfare by regulating and controlling blasting operations within the City.

Sec. 10-111. Applicability.

This article shall apply to all blasting operations within the city. The Fire Department Rules and Regulations are incorporated into this article by reference. Standards listed in the Fire Department Rules and Regulations shall be additional to the provisions of this article.

Sec. 10-112. Definitions.

For the purposes of this article, the following words and phrases shall have the respective meanings ascribed to them:

Blasting operations means the use of explosives for purposes of breaking up and removing soil, rock or ledge within the City.

Explosives means any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packaging that an ignition by fire, by friction, by compound or mixture may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol and shotgun ammunition, or fireworks.

Sec. 10-113. Permit Required.

No person may conduct blasting operations within the city without first obtaining a permit from the Fire Department, as required by this Article and National Fire Protection Association "NFPA" 1 Fire Code and NFPA 495 Code, as adopted and

amended in Article II of this Chapter. Fees for this permit shall be as established by order of the City Council.

Sec. 10-114. Application Requirements.

Prior to the issuance of a permit the following information shall be submitted to the City:

(a) A blasting plan shall be submitted by the applicant to the AHJ for all projects where more than 300 cubic yards of material shall be removed. The blasting plan shall conform to the provisions of this article and of the Fire Department rules and regulations.

(b) A blasting submittal shall be submitted to the AHJ where between 50 and 300 cubic yards of material shall be removed. The blasting submittal shall conform to the provisions of this ordinance and the Fire Department rules and regulations.

(c) A blasting application shall be submitted to the AHJ where less than 50 cubic yards of material shall be removed, or where utility trench work in the accepted public right of way, including City or Portland Water District infrastructure is proposed. Small blasts where less than 50 cubic yards of material shall be removed are not required to submit either a blasting plan or blasting submittal. Such projects must conform to NFPA Fire Code and applicants shall submit a monitoring report upon request. Information provided in the blasting application shall confirm that the proposed small blast conforms to all applicable provisions of this ordinance and the Fire Department rules and regulations.

(d) A blasting plan or blasting submittal may be required for any blasting operation at the discretion of the AHJ when it determines that conditions at or near the site of the blasting operations warrant the provision of a plan.

Sec. 10-115. Storage and handling.

All explosives shall be stored and handled in accordance with the provisions of this code, the laws of the State of Maine, and the NFPA 1 Fire Code and NFPA 495 Code.

Sec. 10-116. Enforcement.

In the event that there are violations of the blasting plan, blasting submittal, or blasting permit, or any other

violation of this article, a stop work order may be issued on all construction or development related to the permitted operation. The permittee shall then be required to submit a revised blasting plan to the AHJ for review and approval. Work shall not be allowed to continue until the revised blasting plan is approved.

Sec. 10-117. Penalties.

In addition to the possibility of a stop work order in the event of a violation, the permittee shall be subject to the following penalties:

<u>1st offense</u>	<u>\$1,000</u>
<u>2nd offense</u>	<u>\$2,000</u>
<u>Subsequent offenses</u>	<u>\$2,000</u>

Sec. 10-118. Notice requirements.

(a) Basic noticing requirements. At least 10 days prior to the start of any blasting operation, notice shall be published in a newspaper of local publication and shall be mailed by first class mail to all property owners within the distance specified below of the perimeter of the blasting site:

- (1) Small blast (trench blast or under 50 cubic yards of rock removed). All property owners within 250 feet of the perimeter of the blasting site.
- (2) Medium blast (removal of 50-300 cubic yards of rock material). All property owners within 500 feet of the perimeter of the blasting site.
- (3) Large blast (removal of over 300 cubic yards of rock material). All property owners within 600 feet of the perimeter of the blasting site.

(b) Content of notice. Notice shall conform to the model notice contained in the Fire Department rules and regulations and shall include a description of the proposed blasting operations, estimated schedule and duration of blasting operations, description of the blasting signals to be used during operations, the complaint protocol and the complete address, telephone numbers and email contact for the blasting

contractor and the Fire Department where neighbors and property owners may request further information and notification.

(c) Additional noticing requirements.

- (1) For medium blasts where 50-300 cubic yards of rock material is to be removed, and large blasts where over 300 cubic yards of rock material is to be removed, additional notification requirements shall apply during construction, as detailed in the Fire Department rules and regulations.
- (2) If blasting operations are to occur within 250 feet of any structure, additional notification requirements shall apply, as detailed in the Fire Department rules and regulations in order to prevent adverse public health and safety impacts due to blasting-related carbon monoxide migration.

Sec. 10-119. Hours of blasting.

Blasting shall occur Monday through Friday, between the hours of 9 a.m. and 4 p.m., unless otherwise approved by the AHJ. Requests for extension of hours of blasting must be submitted by the applicant in writing.

Sec. 10-120. Waivers.

Upon written request by the applicant, the AHJ may waive all or a portion of the blasting provisions of this article and the Fire Department rules and regulations provided that all waivers are consistent with the purposes set forth in Section 10-110.

Sec. 10-121. Suspension of blasting operations.

If it is determined that blasting operations pose any risk to public health, safety, or general welfare, the AHJ or their designee shall have the authority to suspend the blasting permit at any time until they deem it safe for blasting operations to continue.

22 REGULATION OF EXPLOSIVES

22.1 PURPOSE

The purpose of this article is to protect the public's health, safety, and general welfare by regulating and controlling blasting operations within the city.

22.2 APPLICABILITY

This article shall apply to all blasting operations related to construction and development of real estate within the city. The City of Portland *Technical Manual* is incorporated into this article by reference. Standards listed in the *Technical Manual* shall be additional to the provisions of this article.

22.3 REVIEW PROCESS

22.3.1 Permit Required

No person may conduct blasting operations within the city without first obtaining a permit from the Fire Department, as required by the National Fire Protection Association 1 Fire Prevention Code, as adopted and amended in Chapter 10 of the City of Portland Code of Ordinances. Fees for this permit shall be as established by order of the City Council.

22.3.2 Application Requirements

Prior to the issuance of a permit the following information shall be submitted to the City:

- A. A blasting plan shall be submitted by the applicant to the Planning Authority for all projects where more than 300 cubic yards of material shall be removed. The blasting plan shall conform to the provisions of this article and of Section 3 of the City of Portland *Technical Manual*.
- B. A blasting submittal shall be submitted to the Planning Authority where between 50 and 300 cubic yards of material shall be removed. The

blasting submittal shall conform to the provisions of this article and of Section 3 of the City of Portland *Technical Manual*.

- C. A blasting application shall be submitted to the Planning Authority where less than 50 cubic yards of material shall be removed, or where utility trench work in the accepted public right of way, including City or Portland Water District infrastructure is proposed. Small blasts where less than 50 cubic yards of material shall be removed are not required to submit either a blasting plan or blasting submittal. Such projects must conform to the National Fire Protection Association Fire Prevention Code and applicants shall submit a monitoring report upon request. Information provided in the blasting application shall confirm that the proposed small blast conforms to all applicable provisions of this ordinance and of Section 3 of the City of Portland *Technical Manual*.
- D. A blasting plan or blasting submittal may be required for any blasting operation at the discretion of the Planning Authority when it determines that conditions at or near the site of the blasting operations warrant the provision of a plan.

22.4 STORAGE AND HANDLING

All explosives shall be stored and handled in accordance with the provisions of this code, the laws of the State of Maine, and the National Fire Protection Association 1 Fire Prevention Code.

22.5 ENFORCEMENT

In the event that there are more than three documented violations of the blasting plan, blasting submittal, or blasting permit, or any other violation of this article, a stop work order may be issued on

all construction or development related to the permitted operation. The permittee shall then be required to submit a revised blasting plan to the Planning Authority for review and approval. Work shall not be allowed to continue until the revised blasting plan is approved.

22.6 PENALTIES

In addition to the possibility of a stop work order in the event of a violation, the permittee shall be subject to the following penalties:

1st offense	\$500
2nd offense	\$1,000
Subsequent offenses	\$1,000

22.7 NOTICE REQUIREMENTS

22.7.1 Basic noticing requirements

At least 10 days prior to the start of any blasting operation, notice shall be published in a newspaper of local publication and shall be mailed by first class mail to all property owners within the distance specified below of the perimeter of the blasting site:

- A. **Small blast (trench blast or under 50 cubic yards of rock removed).** All property owners within 250 feet of the perimeter of the blasting site.
- B. **Medium blast (removal of 50-300 cubic yards of rock material).** All property owners within 500 feet of the perimeter of the blasting site.
- C. **Large blast (removal of over 300 cubic yards of rock material).** All property owners within 600 feet of the perimeter of the blasting site.

22.7.2 Content of notice

Notice shall conform to the model notice contained in Section 3 of the City of Portland *Technical Manual* and shall include a description of the proposed blasting operations, estimated schedule

and duration of blasting operations, description of the blasting signals to be used during operations, the complaint protocol and the complete address, telephone numbers and email contact for the blasting contractor, the Planning Authority, and Fire Department where neighbors and property owners may request further information and notification.

22.7.3 Additional noticing requirements

- A. For medium blasts where 50-300 cubic yards of rock material is to be removed, and large blasts where over 300 cubic yards of rock material is to be removed, additional notification requirements shall apply during construction, as detailed in Section 3 of the City of Portland *Technical Manual*.
- B. If blasting operations are to occur within 250 feet of any structure, additional notification requirements shall apply, as detailed in Section 3 of the City of Portland *Technical Manual*, in order to prevent adverse public health and safety impacts due to blasting-related carbon monoxide migration.

22.8 HOURS OF BLASTING

Blasting shall occur Monday through Friday, between the hours of 9 a.m. and 4 p.m., unless otherwise approved by the Planning Authority. Requests for extension of hours of blasting must be submitted by the applicant in writing.

22.9 WAIVERS

Upon written request by the applicant, the Planning Authority, based on a positive recommendation by the Fire Department, may waive all or a portion of the blasting provisions of Section 3 of the City of Portland *Technical Manual*, provided that all waivers

are consistent with the purposes set forth in Section 22.1.

22.10 SUSPENSION OF BLASTING OPERATIONS

If it is determined that blasting operations pose any risk to public health, safety, or general welfare, the Planning Authority or the Fire Chief or their designee shall have the authority to suspend the blasting permit at any time until they deem it safe for blasting operations to continue.

Chapter 10 FIRE PREVENTION AND PROTECTION*

***Cross reference(s)**--Civil emergency preparedness, § 2-401 et seq.; buildings and building regulations, Ch. 6; fireworks in cemeteries, § 7-138; selling toy balloons with flammable gases prohibited, § 17-31; following fire apparatus, § 28-99; crossing fire hose, § 28-100.

State law reference(s)--Fire prevention and fire protection, 25 M.R.S.A. § 2351 et seq.; municipal fire protection, 30-A M.R.S.A. § 3151 et seq.

- Art. I. NFPA 101: Life Safety Code, §§ 10-1--10-15**
- Art. II. NFPA 1: Fire Code, §§ 10-16--10-21**
- Art. III. Enforcement and Appeals, §§ 10-22--10-25**
- Art. IV. Hydrants, §§ 10-26--10-36**
- Art. V. Reserved, §§ 10-37--10-65**
- Art. VI. Fire Suppression Systems, §§ 10-66 - 10-90**
- Art. VII. Open Burning, §§ 10-91 - 10-99**
- Art. VIII. Signaling Systems for the Protection of Life and Property
§§ 10-100 - 10-107**

ARTICLE I. LIFE SAFETY CODE

Sec. 10-1. Adoption of National Fire Protection Association 101: Life Safety Code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, a code known as the National Fire Protection Association (NFPA) 101: Life Safety Code (hereinafter referred to as the "Life Safety Code") recommended by the National Fire Protection Association, being particularly the 2018 edition thereof and the whole thereof, except for such portions as are added, deleted, modified or amended by section 10-3, of which code not less than one (1) copy has been and now is filed in the office of the city clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the city.

(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 214-01/02, § 1; Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-2. Definitions.

Wherever the words "authority having jurisdiction" are used in the Life Safety Code, they shall be held to mean the chief of the fire department of the City of Portland, or his or her duly authorized representative or a housing safety official designated by the city manager.

Wherever the word "municipality" or "city" is used in the Life Safety Code, it shall be held to mean the City of Portland.

Special hazard dwelling unit shall mean any structure containing twelve (12) or more dwelling units.

(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. 298-14/15, 7-6-2015)

Sec. 10-3. Amendments.

The NFPA 101: Life Safety Code adopted by section 10-1 is added to, amended, modified and deleted in the following respects:

(a) The following provisions shall be added to the Life Safety Code as un-numbered sections, and shall modify or replace any provisions of the Life Safety Code to the contrary:

(1) In addition to the circumstances under which a fire watch may otherwise be required or allowed by the Life Safety Code, in the case of structures posing significant life safety risks that might result in the displacement of person(s), a fire watch, with specifications and criteria to be set by the authority having jurisdiction, may be required if said watch is approved by the authority having jurisdiction, in consultation with the City Manager and Corporation Counsel.

(2) Notwithstanding any provisions to the contrary, Carbon Monoxide (CO) alarms and/or detection shall be subject to the following requirements:

a. The following shall be protected throughout with CO alarms and/or detectors:

i. Existing residential occupancies; and

ii. All new occupancies, other than industrial

occupancies and storage occupancies.

- b. CO alarms and/or detection shall be installed in accordance with NFPA 720, *Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment*, 2015 edition, except that:
 - i. All new construction must have CO alarms and/or detectors hardwired;
 - ii. All new CO alarm and/or detector installations, with the exception of new installations in one- or two-family dwellings, must be hardwired; and
 - iii. The authority having jurisdiction may approve new, alternative CO alarm and/or detector technology as it becomes available, so long as it provides the same amount of protection as required by this Article.
- (3) New decks or balconies with access from a common space shall be subject to the following requirements:
- a. They shall be reviewed as a new assembly occupancy; and
 - b. An alarm notification device shall be installed at the balcony or deck level for occupant notification. The device shall operate upon activation of the fire suppression and/or detection system(s) inside the building.
- (4) Notwithstanding any provisions to the contrary, smoke alarms and/or detection shall be subject to the following additional requirements:
- a. All smoke alarms and/or detection in new construction or major renovations shall be hardwired with battery backup, shall be interconnected, and shall use photoelectric technology.
 - b. All smoke alarms and/or detection in new installations, except in existing one- and two-

family dwellings shall be hardwired with battery backup and shall use photoelectric technology.

- c. All smoke alarms and/or detection in new installations in existing one- and two-family dwellings shall either meet the requirements for new installations above, or shall be 10-year sealed lithium battery alarms using photoelectric technology.
- d. The authority having jurisdiction may approve new, alternative smoke alarm and/or detection technology as it becomes available, so long as it provides the same amount of protection as required by this Article.

- (5) Wherever the requirements governing stairs in the Life Safety Code conflict with the Maine Uniform Building and Energy Code adopted pursuant to 10 M.R.S. § 1103 (MUBEC), the provisions in MUBEC shall control.

(b) Inspections. The authority having jurisdiction, upon proper identification, shall have the right to enter at any and all reasonable times for the purpose of inspecting in order to determine compliance with the provision of this Life Safety Code into or upon any premises subject to this article. It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

- (c) Section 3.3.37.8 shall be amended to read as follows:

Historic Building: A building designated a Landmark or Contributing Building within a local or National Register historic district, pursuant to Chapter 14, Article IX of the Code.

- (d) Section 7.2.2.5.5 shall be amended to add the following language:

Exit stair path marking shall also be installed for all new high-rise buildings in accordance with 7.2.2.5.5.1 through 7.2.2.5.5.11.

- (e) Section 9.7.1.1 shall be amended to add the following language:

The authority having jurisdiction shall have power to modify the water supply requirements of this section for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, and provided such requirements shall not be less stringent than the minimum water supply requirements for sprinkler systems in the State of Maine.

(f) Subsections 12.3.5.3(3) and (4) shall be deleted.

(g) Subsections 13.3.5.3(1) and (2) shall be deleted.
(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 214-01/02, Ord. No. 25-10/11, 8-16-10; Ord. No. 215-11/12, 7-2-12; Ord. No. 53-13/14, 10-7-13; Ord. 298-14/15, 7-6-2015; Ord. 127-16/17, 2-22-2017) ; Ord. No. 59-19/20. 11-4-2019; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-4. Reserved.

(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. No. 215-11/12, 7-2-12; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-5. Reserved.

Sec. 10-6. Reserved.

Sec. 10-7. Reserved.

Sec. 10-8. Reserved.

Sec. 10-9. Reserved.

Sec. 10-10. Reserved.

Sec. 10-11. Reserved.

Sec. 10-12. Reserved.

Sec. 10-13. Reserved.

Sec. 10-14. Reserved.

Sec. 10-15. Reserved.

ARTICLE II. FIRE CODE

Sec. 10-16. Adoption of National Fire Protection Association 1: Fire Code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that a certain code known as the National Fire Protection Association (NFPA) 1: Fire Code (hereinafter referred to as the Fire Code) recommended by the National Fire Protection Association, being particularly the 2018 edition thereof

and the whole thereof, and except for such portions as are added to, deleted, modified or amended by section 10-18, of which code not less than one (1) copy has been and now is filed in the office of the city clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the city.

(Code 1968, § 321.1; Ord. No. 389-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

State law reference(s)--Authority to adopt codes by reference, 30-A M.R.S.A. § 3003.

Sec. 10-17. Definitions.

(a) Wherever the word "municipality" or "city" is used in the Fire Prevention Code, it shall be held to mean the City of Portland.

(b) Wherever the words "authority having jurisdiction" are used in the Fire Prevention Code, they shall be held to mean the chief of the fire department of the City of Portland, or his or her duly authorized representative or a housing safety official designated by the city manager.

(Code 1968, § 321.2; Ord. No. 389-72, 9-6-72; Ord. No. 564A-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. 298-14/15, 7-6-2015)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 10-18. Amendments.

The Fire Prevention Code adopted by section 10-16 is amended, modified and deleted in the following respects:

(a) The following provisions shall be added to the Fire Code as unnumbered sections, and shall amend any provisions of the Fire Code to the contrary:

- (1) "In addition to the circumstances under which a fire watch may otherwise be required or allowed by the Fire Code, in the case of structures posing significant life safety risks that may result in the displacement of person(s) a fire watch, with specifications and criteria to be set forth by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction in consultation with the City Manager and Corporation Counsel."

- (2) All structures with a fire alarm system or fire suppression system shall be provided with a Knox box(es). The number, make and model and location of the box(es) shall be determined and approved by the authority having jurisdiction. All keys required to operate the life safety signaling or fire suppression systems, and building keys, shall be placed within this box.

- (b) The following shall be added to section 1.7.7.1:

It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

- (c) Section 1.10 (Board of Appeals) shall be deleted.

- (d) Section 1.12.2 is deleted and replaced as follows:

All applications for a permit required by the Fire and Life Safety codes shall be filed electronically in the manner, and in such form and detail, as the authority having jurisdiction shall prescribe. Applications for permits shall be accompanied by plans and other documentation in an approved electronic format, as required by the authority having jurisdiction.

- (e) The introductory sentence to 1.12.8 is deleted and replaced as follows:

In addition to the permits required by the Life Safety Code, the authority having jurisdiction shall have the authority to issue permits for any of the activities identified in Tables 1.12.8(a), (b), (c) and (d) and the operations listed below.

Permits for the following operations and materials, as described in Tables 1.12.8(a), (b), (c) and (d) shall be required and shall have the following fees:

Operations and Materials	Permit Fee
Spraying or dipping of flammable finishes	\$174.00 (A)

Operations and Materials	Permit Fee
Spraying or dipping of flammable finishes	\$174.00 (A)
Aircraft fuel servicing	See Motor fuel dispensing and refueling
Aircraft refueling vehicles	See Motor fuel dispensing and refueling
Automotive fuel servicing	See Motor fuel dispensing and refueling
Carnivals and fairs	\$141.00 (A)
Commercial rubbish-handling operation (formerly Bulk Waste Storage)	\$174.00 (A)
Cutting and welding operations	\$65.00 (D)
Dry cleaning Plants	\$65.00 (A)
Display fireworks (also Flame effects and Pyrotechnics before a proximate audience)	\$141.00 (B), (C), (D)
Flame effects	See Display fireworks
Flammable and combustible liquids, (other than motor fuel dispensing)	\$174.00 (A)
Tier I hazardous materials	\$65.00 (A), (E)
Tier II hazardous Materials	\$263.00 (A), (F)
Hot work	\$174.00 (B)
Liquified Petroleum Gasses	\$174.00 (A)

Operations and Materials	Permit Fee
Spraying or dipping of flammable finishes	\$174.00 (A)
Marine craft fuel servicing	See Motor fuel dispensing and refueling
Marijuana growing, processing, or extraction facilities	TBD (G)
Motor fuel dispensing and refueling (also Aircraft fuel servicing and vehicles; Automotive fuel servicing; and Marine craft fuel servicing)	\$174.00 (A)
Pyrotechnics before a proximate audience	See Display fireworks
Repair Garages and Service Stations	\$174.00 (A)
Lumber Yards and woodworking plants (formerly Woodworking and Lumber Storage Plants)	\$174.00 (D)

(f) Table 1.12.8(a) shall be amended to add the following:

Operations and Materials	Permit Required	Cross Reference Section Number	Permit Fee
Blasting operations 1) < 50 cu. yds. 2) Utility trench 3) 50-300 cu. yds. 4) 300+ cu. yds.	For blasting operations.		1) \$50 (B), (D) 2) \$50 (B), (D) 3) \$100 (B), (D) 4) \$500 (B), (D)
Certificate of Fitness for Fire Alarm Service and Installation Company	To engage in the business of fire alarm service and installation	1.13.1(3)	\$250.00 each
Certificate of fitness for special hazards systems	To engage in the business of special hazards system service and installation	1.13.1(3)	\$250 each
Certificate of fitness for marijuana growing, processing or extraction facilities	TBD	1.13.1(3)	TBD (G)

Fire Alarm Inspections Sticker	Acquisition and application of fire alarm inspection stickers	1.12.7	\$35.00 each
Special Type Dispensing Systems, other than Flammable or Combustible Liquids		Private and Special Laws of 1917, Chapter 160	\$174.00 (A)

(A) Application and license issued through Permitting and Inspections Department after Fire Department review.

(B) Application and license issued directly through the Fire Department.

(C) Equal to fee charged by state.

(D) State license and proof of insurance required.

(E) For quantities of hazardous materials at or above the levels specified in Table 1.12.8, but below the levels required to be reported to the State of Maine.

(F) For quantities of hazardous materials at or above the levels required to be reported to the State of Maine.

(G) No permits may be issued until the City Council adopts licensing for marijuana uses.

(g) Section 13.3.1.2 is amended to add the following:

The authority having jurisdiction shall have power to modify the water supply requirements of this section for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, provided such amended requirements shall

not be less stringent than the minimum water supply requirements for sprinkler systems in the State of Maine."

(h) Subsections 13.3.2.7.3(3) and (4) shall be deleted.

(i) Section 13.3.2.8.3, shall be deleted.

(j) In addition to the requirements of 18.2.3, fire department access roads shall comply with the standards set forth in the *City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards)*.

(k) In addition to the requirements of Section 18.3, fire hydrants shall comply with the standards set forth in the *City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards)*.

(l) Section 33.1.1 shall be deleted and replaced with the following:

Storage of more than 100 tires outside shall be in accordance with Chapter 33.

(m) The title of Section 33.2.1 shall be deleted and replaced with the following:

Outside Tire Storage Sites and Piles.

(n) Section 33.2.1.1 shall be deleted and replaced with the following:

Individual outside tire storage piles containing more than 100 tires shall be limited in base area to 2,500 ft³ (232 m²).

(o) Section 33.2.1.2 shall be deleted and replaced with the following:

The dimension of tire storage piles shall not exceed 10 ft (3 m) in height, 30 ft (9 m) in width, and 30 ft (9 m) in length.

(p) Section 33.2.2 shall be deleted.

(q) Section 33.2.2.1 shall be deleted.

(r) Section 33.2.2.2 shall be deleted.

(s) Section 33.2.2.3 shall be deleted.

(t) Section 33.2.2.4 shall be deleted.

(u) Annex E, Fire Fighter Safety Building Marking System is adopted.

(v) Section 38.3.1 shall be added as follows:

For other than CO2 and nonhazardous extraction processes, any facility conducting marijuana extraction shall be protected throughout with a NFPA 13 sprinkler system.

(w) Section 38.6.2.4.4 shall be added as follows:

In addition to the continuous gas detection system required by 38.6.2.4.1, at least one gas detection monitor, supervised by a monitored fire alarm system, shall be installed outside of an extraction room. The gas detection monitor shall be installed in accordance with NFPA 72.

(Code 1968, § 321.6; Ord. No. 389-72, 9-6-72; Ord. No. 564A-72, 9-6-72; Ord. No. 117-82, § 1, 8-2-82; Ord. No. 388-92, 5-18-92; Ord. No. 260-96, § 1, 5-20-96; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 228-06/07, 5-21-07; Ord. No. 245-07/08, 5-19-08; Ord. No. 25-10/11, 8-16-10; Order 245-14/15, 6-24-2015; Ord. No. 165-15/16, 3-7-2016; Ord. No. 253-15/16, 7/1/2016; Ord. 18-17/18, 8-21-2017; Ord. No. 217-17/18, 7-1-2018, Ord. No. 218-17/18, 7-1-2018; Ord. No. 59-19/20. 11-4-2019; Ord. No. 166-19/20, 5-18-2020; Ord. No. 209-23/24, 6-3-2024)

Sec. 10-19. Storage of explosives and blasting agents prohibited.

Notwithstanding any provisions to the contrary in the Fire Code, the storage of explosives and blasting agents is hereby prohibited on the mainland.

Fireworks to be used in a City of Portland sponsored event may be stored within the City of Portland for up to forty-eight (48) hours with a permit from the authority having jurisdiction.

(Code 1968, § 321.3; Ord. No. 389-72, 9-6-72; Ord. No. 188-00, §6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. No. 215-11/12, 7-2-12; Ord. No. 59-19/20. 11-4-2019)

State law reference(s)--Regulation of explosives, 25 M.R.S.A. § 2441.

***Editor's Note**—Pursuant to Council Order 215-11/12 passed on July 2, 2012 repealed Sections 10-20 and 10-21 in their entirety.

Sec. 10-20. Reserved.

Sec. 10-21. Reserved.

Sec. 10-21.5. Hazardous materials.

(a) Where a Tier II hazardous materials permit is required the following shall also be required in locations approved by the authority having jurisdiction:

- (1) Hazardous Materials Management Cabinet: The cabinet shall be designed for exterior installation and shall contain the Hazardous Materials Management Plan, Hazardous Materials Inventory Statement, Materials Safety Data Sheet and current valid permit. The cabinet shall also be red and have 2" white reflective letters on the face stating "Hazardous Materials Management Plan"; and
- (2) In addition to the requirements contained elsewhere in this Article, a Knox Box shall contain all the keys necessary for the Hazardous Materials Management Cabinet; and; and
- (3) Hazard Identification Signs: These signs shall be installed in accordance with NFPA 704, *Standard System for the Identification of the Hazards of Materials for Emergency Response*, 2007 edition, and be on each side of a structure fronting on a right-of-way.

(Ord. No. 193-97, § 1, 2-3-97; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10)

ARTICLE III. ENFORCEMENT AND APPEALS.

Sec. 10-22. Rules and regulations.

The authority having jurisdiction may promulgate all reasonable rules and regulations to carry out the purposes and provisions of this chapter. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

***Editor's note:** A copy of such rules and regulations may be obtained at
10-14

[Fire Prevention Page of Portland Web Site.](#)

Sec. 10-22.1. Modifications.

The authority having jurisdiction shall have power to recommend modification of any of the provisions this chapter, including codes adopted under this chapter, upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such recommended modification shall be entered upon the records of the department and a copy signed by the chief of the fire department shall be furnished to the applicant. Such modification shall become effective thirty (30) days from and after the date of the recommendation.

(Code 1968, § 321.7; Ord. No. 389-72, 9-6-72; Ord. No. 564-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-23. Appeal.

Whenever the authority having jurisdiction shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions this chapter, including codes adopted under this chapter, do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the authority having jurisdiction to the Board of Appeals within thirty (30) business days from the decision of the authority having jurisdiction.

Where the authority having jurisdiction determines that a violation of this chapter poses an immediate threat to health and safety, an appeal pursuant to this section shall not stay the obligation to correct that violation.

(Code 1968, § 321.8; Ord. No. 389-72, 9-6-72; Ord. No. 564A-72, 9-6-72; Ord. no. 188-00, § 6, 4-24-00; Ord. No. 214-01/02, § 2, 4-17-02; Ord. No. 25-10/11, 8-16-10; Ord. No. 215-11/12, 7-2-12; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-24. Additional permits.

The authority having jurisdiction shall from time to time determine and recommend to the city council for inclusion in the Fire Code and/or the Life Safety Code any new materials, processes or occupancies for which permits shall be required in addition to those now enumerated therein.

(Code 1968, § 321.9; Ord. No. 389-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord.

No. 25-10/11, 8-16-10)

Sec. 10-25. Violations.

The authority having jurisdiction is authorized to institute, or cause to be instituted by the corporation counsel, in the name of the city, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of Chapter 10.

- (a) Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who shall violate any of the provisions of Chapter 10, including the codes adopted under this Chapter, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively pay a penalty as provided in section 1-15 of the city code and/or as provided under state law. The imposition of any penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- (b) Notwithstanding anything to the contrary in the foregoing, failure to obtain a permit required under this chapter or failure to correct an unsafe condition after receipt of written notice from the city of the need for such permit or for such correction shall be subject to the following minimum penalties:
 - (1) *First offense:* Five hundred dollar (\$500.00) fine;
 - (2) *Second offense:* One thousand dollar (\$1,000.00)

fine;

(3) *Third offense:* One thousand five-hundred dollar (\$1,500.00) fine.

(c) In addition to the foregoing, violators will be required to pay all unpaid permit fees and the city may enjoin or abate any violation by appropriate action.

(Code 1968, § 321.10; Ord. No. 389-72; Ord. No. 147-75, 2-19-75; Ord. No. 388-92, 5-18-92; Ord. No. 186-93, 12-20-93; Ord. No. 193-97, § 2, 2-3-97; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 20-03/04, 8-18-03; Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)

Sec. 10-25.1. Posting against occupancy.

Any structure or portion thereof which is in violation of the provisions of Chapter 10 may be condemned and posted against occupancy by the authority having jurisdiction.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.2. Notice of condemnation and posting; order to vacate.

The authority having jurisdiction shall give notice in writing to the property owner, operator, tenant-in-charge or property management company of such condemnation and posting, and in the event such property is occupied, it shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-25.3. Property not to be occupied again.

No property which has been condemned and posted against occupancy shall again be used until the authority having jurisdiction shall in writing approve of its use and shall likewise authorize the removal of the posted notice.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.4. Notices not to be removed; property not to be used or let; exception.

It shall be a violation of this article for any person to deface or remove any such posted notice without the prior approval of the authority having jurisdiction, and it shall also be a violation of this article for any person to occupy or to let

another for occupy any property which has been condemned and posted as provided above without receiving the prior approval of the authority having jurisdiction.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.5. Property to be secured if not improved.

If the owner, operator, tenant-in-charge or property management company of any property which has been condemned does not proceed to make the necessary corrections to bring the property into compliance with the provisions of this Chapter, such owner or operator shall proceed to make the property safe and secure so that no danger to life or property or fire hazard shall exist.

If the owner or operator fails to do so within a reasonable amount of time, the City may take all reasonable steps to make the property safe and secure and recoup the costs from the owner or operator, along with a \$500 administrative fee.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-25.6. Restriction on conveyance of property; exception.

It shall be a violation of this article for any person to sell, transfer, or otherwise dispose of any property against which an order has been issued by the authority having jurisdiction under the provisions of this article unless he or she shall first furnish to the grantee a true copy of any such order and shall at the same time notify the authority having jurisdiction in writing of the intent to so transfer either by delivering the notice to the authority having jurisdiction and receiving a receipt or by registered mail, return receipt requested, giving the name and address of the person to whom the transfer is proposed. In the event of a violation of this section, such person shall be subject to a penalty as provided in section 1-15, in addition to any penalty which may be imposed for failure to comply with any order of the authority having jurisdiction.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.7. Responsibility hereunder may not be transferred.

No contract or agreement between owner and/or operator and occupant relating to compliance with the terms of this chapter shall be effective in relieving any person of responsibility for compliance with the provisions of this chapter as set forth herein.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-25.8. Additional procedures; warning signs.

(a) In addition to the process set forth above, when the authority having jurisdiction, in its sole discretion, determines that an emergency exists that must be addressed immediately to protect public safety, the authority having jurisdiction shall have the authority, in person or through agents, to enter onto any property to test or repair fire suppression or alarm systems and their support infrastructure located inside or outside of buildings, including private hydrants, after written notice to the property owner or responsible party including, but not limited to, property management company, tenant in charge of the property or the property owner's designee, sent by first-class mail to the last known address of such person or delivered by hand. The authority having jurisdiction shall then cause the condition to be corrected and to be sent to the person notified a notice of any action taken to correct an unsafe condition and the charges for the work done. The charges shall be payable to the city within thirty (30) days of the date of the notice. Any unpaid charges assessed under this section shall be enforceable by lien for the benefit of the city and shall be collected pursuant to section 1-16 of this Code.

(b) In addition to the process set forth above, when the authority having jurisdiction, in its sole discretion, determines that (1) violations of this code exist that do not support a posting preventing occupancy, but that do create a serious enough risk to public safety that tenants and prospective tenants should be notified by posting and/or written notice; and (2) that the owner or manager has been duly notified of the violations and failed to correct them within the time allowed, the authority having jurisdiction may have highly visible signs posted on the building which indicates the address of the building, the name, address and telephone number of the owner (as determined on the City's tax rolls) and the fact that the building has such outstanding code violations. The sign may also contain information on future court dates relating to the building, if known. The authority having jurisdiction may also have a written

notice containing the same information:

- (1) Delivered to the occupants of each dwelling unit in the building; and/or
- (2) Published in a local newspaper; and/or
- (3) Included on a list, maintained by the fire department and available to the public, of similarly classified buildings.

The cost of posting, delivering or sending notices, or publication in a local newspaper may be charged against the real estate upon which the building was or is located. Any unpaid charges assessed under this section shall be enforceable by lien for the benefit of the city and shall be collected pursuant to section 1-16 of this Code.

(c) In addition to the process set forth above, when the authority having jurisdiction, in its sole discretion, determines that a vacant or otherwise derelict building may pose a serious and immediate risk to public safety officials, including fire fighters, emergency medical technicians, police officers or the like, who may be responding to an emergency call at such premises, it shall have the authority, in person or through agents, and after providing written notice to the property owner or responsible party (sent by first-class mail to the last known address of such person or delivered by hand), to enter into any such property to post highly visible signs on the building which indicate the address of the building. The name, address and telephone number of the owner (as determined on the City's tax rolls) shall be available at the fire station and the fact that the building is classified by the Fire Department as follows:

A red sign - fireground operations conducted from the outside only due to major interior hazards; or

An orange sign - fireground operations may be conducted from the interior with extreme caution due to interior hazards; or

A green sign - fireground operations may be conducted from the interior and there are minimal hazards inside.

The cost of posting may be charged against the real estate upon which the building was or is located. Any unpaid charges assessed under this section shall be enforceable by lien for the benefit of the City and shall be collected pursuant to section 1-16 of this Code.

(d) It shall be a violation of this code to remove, obliterate or deface any sign posted pursuant to section (c) above.

(Code 1968, § 321.10; Ord. No. 389-72; Ord. No. 147-75, 2-19-75; Ord. No. 388-92, 5-18-92; Ord. No. 186-93, 12-20-93; Ord. No. 193-97, § 2, 2-3-97; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 20-03/04, 8-18-03; Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.9. Reinspection.

Following the issuance of a notice of violation and an order to correct violations, the authority having jurisdiction will reinspect once for no fee in order to determine whether the violations have been corrected in compliance with this chapter. If the violations have not been corrected in compliance with this chapter, the violator shall be assessed a fee of one hundred and fifty dollars (\$150.00) for the first reinspection; three hundred dollars (\$300) for the second reinspection; and five hundred dollars (\$500) for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property and the assessment and lien shall be collected and enforced pursuant to Section 1-16.

(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 20-03/04, 8-18-03; Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-25.91. Conflicts.

In the event of a conflict between the provisions of the Life Safety Code, the Fire Code, and/or this chapter and any other provisions of any other code including, but not limited to, the City Code of Ordinances, the more restrictive code provisions shall apply.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

ARTICLE IV. HYDRANTS

Sec. 10-26. Purpose; definition.

(a) *Purpose.* In order to protect public safety and welfare

and ensure a fully operational municipal fire protection system, it is necessary to ensure that private fire hydrants located within the city are properly maintained, are accessible at all times, and are compatible with the municipal water main system. Failure to maintain such private fire hydrants in good operating condition may negatively impact upon the entire water main system and present a public hazard. To avoid such hazard and to protect public safety, it is necessary to regulate the installation, upgrading, access and maintenance of all such private fire hydrants wherever located in the city and regardless of the use of the property upon which they are located.

(b) *Private fire hydrant* as used herein shall mean and include any fire hydrant which is owned, leased, or otherwise under the control of any person other than the Portland Water District and shall include any such hydrant regardless of the use of the property upon which it is located.
(Ord. No. 193-97, § 3, 2-3-97)

Sec. 10-26.5. Use of Fire Hydrants.

All unauthorized uses of hydrants may negatively impact the water system and the firefighting capability of the hydrant. No person, other than a person authorized to do so by the fire chief, shall use, open, or otherwise tamper with a public or private fire hydrant and it shall be a violation of this Code for any unauthorized person to so use, open or otherwise tamper with a public or private fire hydrant. It shall further be a violation of this Code for any person to shovel, blow or otherwise move snow or ice onto or around any hydrant, public or private, in such a manner as to decrease or restrict access to such hydrant.
(Ord. No. 193-97, § 1, 2-3-97, Ord. No. 188-00, § 6, 4-24-00)

Sec. 10-27. New hydrants; upgrade of existing hydrants.

(a) Any private fire hydrant installed, replaced or upgraded on or after the effective date of this article must meet all of the standards utilized by the Portland Water District at the time of such installation. In addition, such hydrants shall meet the fire flow, marking and location standards adopted by the National Fire Protection Association and in effect at the time of such installation. The owner of the private fire hydrant shall provide certification of meeting such standards upon installation in the same manner as provided in section 10-28(a)(1) below. It shall be a violation of this Code to provide false certification under this article.

(b) Any private fire hydrant installed prior to the effective date of this article which does not meet any of the above standards must be upgraded to meet the current applicable standard or standards utilized by the Portland Water District upon any change in occupancy or use of the property.
(Ord. No. 193-97, § 3, 2-3-97; Ord. No. 25-10/11, 8-16-10)

Sec. 10-28. Maintenance of fire hydrants.

(a) The owner of any property upon which a private fire hydrant is located shall maintain, or arrange to have maintained, any such private fire hydrant in compliance with the maintenance program utilized by the Portland Water District, and with the following standards, at a minimum:

- (1) No less than an annual inspection, annual written statement describing the owner's maintenance program and who is responsible for carrying out that program and annual written certification in regard to fire flow and operability by a person qualified to make such certification, which all shall be sent to the fire chief, with a copy to the Portland Water District;
- (2) Painting to match City Hydrants except that the body shall be red, no less than every five (5) years;
- (3) Repair of any and all damage to the hydrant, within no less than seventy-two (72) hours of actual notice of such damage.

(b) The authority having jurisdiction shall have the right to enter upon adjacent land with men and machines to maintain hydrants, including, but not limited to, the removal of aquatic vegetation and dredging of the water source to ensure acceptable performance of any hydrant.

(Ord. No. 193-97, § 3, 2-3-97; Ord. No. 25-10/11, 8-16-10)

Sec. 10-29. Accessibility.

(a) The owner of property upon which a private fire hydrant is located shall be responsible for ensuring that said hydrant is accessible for use by the fire department at all times.

(b) *Accessible for use* shall mean and include:

- (1) That no later than March 31, 2001, the owner provides an emergency access lane from a public right-of-way to the hydrant, which access lane meets the standards under articles IV and V of chapter 14 of this Code and the "Section IV: Public Safety Standards" of the Technical and Design Standards as adopted by the Portland Planning Board; a map identifying the location of said lane shall be provided to the fire chief upon request;
- (2) That the owner maintains and repairs the emergency access lane required hereunder, which maintenance and repair shall include snow and ice removal, removal of obstruction and encumbrances, including but not limited to debris, junked vehicles and other refuse, so that the emergency access lane shall remain reasonably passable for firefighting and preventive apparatus and vehicles and other public emergency vehicles of the city;
- (3) That the owner removes snow from the emergency access lane so that at no time shall the snow accumulate to an average depth in excess of four (4) inches and shall also remove snow from the lane of a depth of less than four (4) inches if subsequent rain, hail or temperatures result in the snow on the lane becoming so frozen as to render the lane impassable by such firefighting and public emergency vehicles; and
- (4) That the owner removes snow in accordance with the Standard for Hydrant Snow Removal of the Portland Fire Department, which shall include removal of snow for no less than forty-eight (48) inches from around the hydrant in all directions, with a minimum forty-eight-inch pathway to the open street or accessway.

(c) In addition to any other remedies provided herein, if the owner shall fail to remove such nonfrozen snow accumulating in excess of four (4) inches in depth within twenty-four (24) hours after the cessation of the storm creating such snow, or if the owner shall fail to remove such ice within twenty-four (24) hours after ice has accumulated or formed to the state as to render the emergency access lane impassable for said purposes, or if the owner shall fail to remove said obstructions and encumbrances on the emergency access lane (that are not the result of precipitation) which render the emergency access lane impassable for said purposes within twenty-four (24) hours after such obstructions and encumbrances arise, then the city shall have the right, but not the

obligation, to enter upon the emergency access lane and adjacent land as necessary with men and machines in order to plow and clear, or cause to be plowed and cleared, such snow and ice and to remove said obstructions and encumbrances from the emergency access lane and bill the owner for the expense of the same. The city shall submit its itemized bill for such expenses to the owner which the owner shall pay to the city within sixty (60) days of receipt. The expenses billed to the owner shall include the time spent for travel to and from the property.

(d) Nothing herein is intended, nor shall it be construed to modify, amend or otherwise change any requirement to enter into an emergency access lane agreement pursuant to articles IV or V of chapter 14 of this Code and the standards adopted by the Portland Planning Board nor to modify, amend or otherwise change the requirements of any such executed emergency access lane agreement. (Ord. No. 193-97, § 3, 2-3-97; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10)

Sec. 10-30. Reserved.

(Ord. No. 193-97, § 3, 2-3-97; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-31. Reserved.

(Ord. No. 59-19/20. 11-4-2019)

*Editor's Note—Pursuant to Council Order 25-10/11, passed 8-16-10 Section 10-31 Effective Date was repealed in its entirety and replaced with Section 10-31 Rules and Regulations. Council Order 59-19/20, passed 11-4-2019, repealed sections 10-30 and 10-31.

Sec. 10-32. Reserved.

Sec. 10-33. Reserved.

Sec. 10-34. Reserved.

Sec. 10-35. Reserved.

Sec. 10-36. Reserved.

ARTICLE V. RESERVED.

Sec. 10-37. Reserved.

Sec. 10-38. Reserved.

Sec. 10-39. Reserved.

Sec. 10-40. Reserved.

Sec. 10-41. Reserved.

Sec. 10-42. Reserved.

Sec. 10-43. Reserved.
Sec. 10-44. Reserved.
Sec. 10-45. Reserved.
Sec. 10-46. Reserved.
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Sec. 10-57. Reserved.
Sec. 10-58. Reserved.
Sec. 10-59. Reserved.
Sec. 10-60. Reserved.
Sec. 10-61. Reserved.
Sec. 10-62. Reserved.
Sec. 10-63. Reserved.
Sec. 10-64. Reserved.
Sec. 10-65. Reserved.

ARTICLE VI. FIRE SUPPRESSION SYSTEMS.

Sec. 10-66. Purpose; definitions.

(a) *Purpose.* In order to protect public safety and welfare and ensure fully operational fire suppression systems for the protection of life and property, it is necessary to ensure that such systems are correctly designed, installed and maintained.

(b) For the purposes of this article, the following definitions shall apply unless the context clearly implies otherwise:

Supervised means a system having supervisory attachments installed and monitored for integrity by an *approved private central station*.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-67. Supervision.

Where another section of this chapter requires a fire suppression system to be *supervised*, it shall be monitored by an approved supervising station for supervisory, trouble, and alarm signals.

Where a fire suppression system is installed in a building having a fire alarm system, it shall be supervised by the fire alarm system.

(Ord. No. 25-10/11, 8-16-10 Ord. No. 59-19/20. 11-4-2019))

Sec. 10-68. Rules and regulations.

The fire chief may promulgate all reasonable rules and regulations to carry out the purposes and provisions hereof. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance.

(Ord. No. 25-10/11, 8-16-10)

*Editor's Note - - A Copy of such rules and regulations may be obtained at [Fire Prevention Page of Portland Web Site](#).

Sec. 10-69. Reserved.
Sec. 10-70. Reserved.
Sec. 10-71. Reserved.
Sec. 10-72. Reserved.
Sec. 10-73. Reserved.
Sec. 10-74. Reserved.
Sec. 10-75. Reserved.
Sec. 10-76. Reserved.
Sec. 10-77. Reserved.
Sec. 10-78. Reserved.
Sec. 10-79. Reserved.
Sec. 10-80. Reserved.
Sec. 10-81. Reserved.
Sec. 10-82. Reserved.
Sec. 10-83. Reserved.
Sec. 10-84. Reserved.
Sec. 10-85. Reserved.
Sec. 10-86. Reserved.
Sec. 10-87. Reserved.

Sec. 10-88. Reserved.

Sec. 10-89. Reserved.

Sec. 10-90. Reserved.

ARTICLE VII. OPEN BURNING

Sec. 10-91. Incineration of solid waste prohibited.

Except for licensed disposal of hazardous or infectious wastes and for the operation of public solid waste disposal facilities designated pursuant to section 12-102, it shall be unlawful for any person to burn or incinerate any solid waste within the City of Portland.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-92. Campfires in the City of Portland

Camp fires are permitted within the City of Portland with a valid burning permit. All such campfires shall comply with all State laws, this Chapter, and all rules and regulations promulgated pursuant to this Chapter for recreational outdoor fires. Any such burning permit may be cancelled for cause.

(Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)

Sec. 10-93. Rules and regulations.

The fire chief may promulgate all reasonable rules and regulations to carry out the purposes and provisions hereof. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance.

(Ord. No. 25-10/11, 8-16-10)

***Editor's Note - - A Copy of such rules and regulations may be obtained at [Fire Prevention Page of Portland Web Site](#).**

Sec. 10-94. Violations.

In addition to the process established by section 10-25, this article may also be enforced by the police chief, or his or her designee.

(Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)

Sec. 10-95. Outdoor fireplaces.

(a) No permit shall be required to burn in a fixed outdoor fireplace that has been installed and is operated in accordance with this Chapter, all rules and regulations promulgated pursuant to this Chapter, and National Fire Protection Association 211 (2016); Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.

(b) No permit shall be required to burn in a recreational fire appliance that is operated in accordance with this Chapter, all rules and regulations promulgated pursuant to this Chapter, and the manufacturer's instructions. This paragraph shall not apply to the use of an open fire ring.

(c) All outdoor fireplaces and recreational fire appliances allowed under this section must be set back at least fifteen (15) feet from all structures, combustible material, and adjacent property lines.

(Ord. No. 215-11/12, 7-2-12; Ord. 127-16/17, 2-22-2017 Ord. No. 59-19/20. 11-4-2019)

Sec. 10-96. Reserved.

Sec. 10-97. Reserved.

Sec. 10-98. Reserved.

Sec. 10-99. Reserved.

ARTICLE VIII. SIGNALING SYSTEMS FOR THE PROTECTION OF LIFE AND PROPERTY.

Sec. 10-100. Purpose; definitions.

(a) Purpose. In order to protect public safety and welfare and ensure fully operational signaling systems for the protection of life and property, it is necessary to ensure that such systems are correctly designed, installed and maintained.

(b) For purposes of this article, the following definitions shall apply unless the context clearly implies otherwise:

Alarm number means any number assigned by the fire chief to a building which is connected by a fire alarm

system to an approved private central station.

Alarm user means an owner of any building, or part thereof, that has a master box alarm system or an approved supervising station, or an agent of the owner who is responsible for the building.

Approved supervising station means any privately operated message monitoring service which is approved by Underwriters' Laboratories, Incorporated, and approved by the authority having jurisdiction.

Dispatch Center (also known as the public safety answering point ``PSAP'') means any place utilized by the City of Portland for the receipt, monitoring or dispatching of alarms.

False alarm means any signal emitted from an approved supervising station or master box alarm system that is not in response to heat, smoke or fire requiring an immediate response by the fire department. "False alarm" includes any signal emitted by a negligently activated alarm system, or by an alarm system deliberately activated when an immediate response by the fire department is not required, or by a malfunctioning alarm system. However, "false alarm" does not include any signal emitted by an alarm system activated by unusually severe weather conditions, or other cause beyond the control of the alarm user. In case of any dispute, it shall be the burden of the alarm user to demonstrate to the satisfaction of the fire chief that an alarm signal was not a "false alarm."

Fire chief means the chief of the City of Portland fire department or his authorized representative or designee.

Master box alarm system means any mechanism or device approved by the authority having jurisdiction, including protective signaling systems, designed for

the detection of heat, smoke or fire requiring an immediate response by the fire department and which automatically emits a signal to the dispatch center.

Person means any individual, firm or corporation.

(Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-101. Certain master box connections required.

The following buildings, as classified by the NFPA 101 Life Safety Code, 2018 edition, shall be connected by AES master box alarm system to the dispatch center where another section of this code requires such buildings to have a fire alarm system:

(a) *New and existing structures including the following:*

- (1) Assembly occupancy;
- (2) Educational facilities including post-secondary;
- (3) Day-care facilities, excluding day-care homes;
- (4) Health care facilities;
- (5) Ambulatory health care facilities;
- (6) Large residential board and care facilities;
- (7) Detention and correctional occupancies;
- (8) Hotels, motels and dormitories;
- (9) Mercantile occupancies;
- (10) Industrial occupancies;
- (11) High-rise buildings.

(b) *New buildings including the following:*

- (1) Residential occupancies (20 or more units).

(c) The following buildings shall be connected by AES master box alarm system to the dispatch center:

- (1) Buildings containing high hazard contents;
- (2) Special structures as determined by the authority having jurisdiction.

All such buildings shall be connected to a City-approved wireless Master Box Alarm System.

Each master box alarm system shall be installed, maintained, inspected and tested in accordance with all applicable codes and regulations. Each alarm user shall, prior to occupancy, produce satisfactory evidence of compliance with this paragraph to the fire chief.

(Ord. No. 25-10/11, 8-16-10; Ord. 99-15/16, 11/16/2015; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-102. Master box connections to the dispatch center.

(a) *New connections.* No buildings, other than those listed in section 10-67 of this article and those which, if new, would be required to connect under subsection (b) hereof shall, after the effective date hereof, be permitted to connect by master box alarm system to the dispatch center. Any person eligible to make a connection hereunder may apply to the fire chief on a form to be devised by him for such purpose. Said application shall contain insurance and indemnification requirements as determined by the fire chief. Applications shall be acted upon when complete, provided, however, that nothing herein shall require the fire chief to approve any application or to provide or maintain sufficient capacity for such connections as may otherwise be eligible hereunder. No connection shall be made without prior payment of the new connection and annual maintenance fees prescribed in this section, and unless the fire chief first finds that the building to be connected and the alarm system meet all applicable codes and regulations. All connections shall be made by the alarm user under the direction and supervision of the fire chief and at the alarm user's expense, except that final connection to the dispatch center

shall be made by the fire chief.

(b) *Existing connections.* Any alarm user having an existing connection by master box alarm system to the dispatch center, whether or not connecting a building listed in section 10-67 of this article, shall, within thirty (30) days of written notice by the authority having jurisdiction, elect, in writing whether or not to retain the connection. Any alarm user electing to retain a connection shall simultaneously therewith pay the annual maintenance fee prescribed in this section. Any alarm user electing not to retain a connection, and any alarm user failing to make an election, shall forthwith be notified in writing by the fire chief of the impending disconnection of the alarm system, which shall be disconnected by the fire chief as soon thereafter as practicable.

(c) *Connection and maintenance fees.* The following fees shall apply to each fire alarm system connected to the dispatch center:

- | | | |
|-----|--|----------|
| (1) | New connection fee | \$550.00 |
| (2) | Annual maintenance fee | 300.00 |
| | Except that for each
additional alarm system
at the same location | 100.00 |
| (3) | Conversion of mechanical
Master Box Alarm System to
Wireless Mater Box Alarm
System | 275.00 |

First-time payments of the annual maintenance fee shall be prorated over the number of months, including any fraction thereof, remaining between the date of payment and the following June thirtieth, provided, however, that in no case shall the fee be reduced to less than half. The annual maintenance fee shall thereafter be due and payable in full on July first. If payment is not made within thirty (30) days thereafter, the alarm user shall forthwith be notified in writing by the fire chief of the impending disconnection of the alarm system, which shall be disconnected by the fire chief as soon thereafter as practicable. Any unpaid

charges assessed under this section shall be enforceable by lien against the property serviced by the alarm and shall be collected pursuant to section 1-16 of this Code.

(d) *Reconnections.* Any fire alarm system disconnected pursuant to subsection (b) of this section shall not be reconnected without prior payment of the annual maintenance fee prescribed in this section and a reconnection fee of one-hundred dollars (\$100.00), except that if reconnection is not made within thirty (30) days after disconnection, the reconnection fee shall be the same as the new connection fee prescribed in this section. Any alarm system disconnected at the request of the alarm user for purposes of inspection, testing or repair shall be reconnected up to three (3) times in any year at no additional charge, after which, however, the alarm system shall not be reconnected without prior payment of a reconnection fee of one-hundred dollars (\$100.00).

(Ord. No. 25-10/11, 8-16-10; Ord. 99-15/16, 11-16-2015; Ord. No. 209-23/24, 6-6-2024)

Sec. 10-103. Reserved.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-104. False alarm penalties.

(a) *Third response.* Once a third false alarm at a building within any twelve-month period has been identified by the fire chief or his/her designee, the fire chief shall give written notice of the false alarm to the alarm user.

(b) *Fourth, fifth and sixth responses.* For the fourth, fifth and sixth false alarms at a building within any twelve-month period, the alarm user shall, upon demand, pay a penalty of two hundred dollars (\$200.00) per instance and shall, in the case of any equipment failure, file with the fire chief within three (3) days of notice to do so a signed statement by a qualified private alarm agent that the alarm system has been inspected and is in proper working order. In the case of human error or other cause, the alarm user shall file a written report with the fire chief describing corrective action taken, if any.

(c) *Seventh and subsequent responses.* For the seventh and subsequent false alarms at a building within any twelve-month period, the alarm user shall, upon demand, pay a penalty of three hundred and fifty dollars (\$350.00).

(d) *Written notice deemed complete.* Written notice by the fire chief shall be complete upon leaving such notice at or in the property at the time of response by the fire department or by mailing such notice by first class mail.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 105-10/11, 12-20-10; Ord. 127-16/17, 2-22-2017; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-105. Inspections by fire chief; evidence by the property owner.

(a) The fire chief may inspect or cause to be inspected any alarm system or any building protected thereby at all reasonable times to ensure compliance with the provisions of this article.

(b) At the time of annual maintenance fee payment, the property owner shall provide to the fire chief evidence from a certified alarm testing or servicing company that the fire alarms servicing any building for which such alarms are required are in proper working order.

(c) Each fire alarm system in the City of Portland shall have a fire alarm inspection sticker affixed to the fire alarm annunciator or the fire alarm control panel if there is no fire alarm annunciator. Fire alarm inspection stickers shall be obtained from the Fire Department. Only companies approved and registered with the Fire Department shall be permitted to obtain fire alarm inspection stickers.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-106. Reserved.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 59-19/20. 11-4-2019)

Sec. 10-107. Violations.

In addition to the process set forth in section 10-25, when the chief of the fire department, in his or her sole discretion, determines that the property owner has failed to take action to

correct a faulty fire alarm system within four (4) hours of being notified of its deficiency, the chief shall have the authority, in person or through agents, to enter onto any property to have fire protection equipment repaired. The fire chief shall cause the condition to be corrected and shall send a notice of any action taken to correct an unsafe condition and the charges for the work done to the owner or the owner's authorized representative. The charges shall be payable to the city within thirty (30) days of the date of the notice. Any unpaid charges assessed under this section shall be enforceable by lien for the benefit of the city and shall be collected pursuant to section 1-16 of this Portland City Code. (Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)

Chapter 11 STANDARD FOR BLASTING AND REGULATION OF EXPLOSIVES

11. Blasting

11.1. **Scope.** The purpose of this article is to protect the public's health, safety, and general welfare by regulating and controlling blasting operations within the city.

11.2. Definitions:

11.2.1. Small Blast: Trench blast or removal of under fifty (50) cubic yards of rock material.

11.2.2. Medium Blast: Removal of 50-300 cubic yards of rock material.

11.2.3. Large Blast: Removal of over 300 cubic yards of rock material.

11.2.4. All notification or submittal to the Fire Department referenced in this chapter, unless part of the blasting permit submittal shall be via Email to fireprevention@portlandmaine.gov.

11.3. Permit Submittal Requirements:

11.3.1. **All Blast Operations:** All blasting operations shall require a blasting permit from the Portland Fire Department prior to any blasting. All applications for blasting permits shall be made through the City of Portland Permitting and Inspection Department CSS portal at https://selfservice.portlandmaine.gov/EnerGov_Prod/SelfService#/home.

11.3.1.1. The permit application shall include the name and qualifications of the independent seismologist or blasting consultant proposed to conduct the pre-blast surveys.

11.3.1.2. The permit application shall include the name and qualifications of the independent seismologist or blasting consultant proposed to monitor and report blasting vibrations to the Fire Department.

11.3.2. **Medium Blast Operations:** For medium blast operations, the permit application must include a blasting submittal. The blasting submittal must include, at a minimum, the following information:

11.3.2.1. Description of Test Blast, Drill Pattern

11.3.2.2. Description of Production Blasting, Drill Pattern

11.3.2.3. Explosives to be used during wet and dry conditions

11.3.2.4. Stemming material and depth

11.3.2.5. Description of matting used to prevent fly rock

11.3.2.6. Description and location of blasting signs

11.3.2.7. Type of seismograph to be used

11.3.2.8. Description of proposed transportation and storage of explosives

11.3.2.9. Signature of blasting contractor testifying to the accuracy of the above information

11.3.3. **Large Blast Operations:** For large blast operations, the permit application must include a drilling pattern and loading plan, referred to herein as a "blasting plan." for review and approval. A model blasting plan is provided at the end of this document and shall include, at a minimum, the following information:

- 11.3.3.1. The sequence and schedule of blasting rounds, including a general description of the proposed approach for developing each bedrock excavation area.
- 11.3.3.2. A diagrammatic description of the typical blast pattern to be used, including pre-splitting pattern if pre-splitting is required.
- 11.3.3.3. Diameter, spacing, burden, depth and orientation of each drill hole relative to the "free face", along with details of the delay pattern.
- 11.3.3.4. A diagrammatic description of the loading plan for a typical production hole including charge weights and distribution of primer, explosives and stemming within a typical hole.
- 11.3.3.5. Estimation of ground vibration levels at nearest adjacent structures.
- 11.3.3.6. Written evidence of the licensing, experience, and qualifications of the blaster who will be responsible for loading and firing each shot.
- 11.3.3.7. A listing of the number and type of instrumentation proposed to be used to monitor vibrations and airblast overpressures.
- 11.3.3.8. Safety procedures, security measures, and warning sequences.

11.4. Pre-Blast Survey:

- 11.4.1. Pre-blast surveys are required for all blasting operations. The blasting contractor will hire an independent seismologist or blasting consultant to perform pre-blast surveys on all structures (contingent upon property owner agreement) within the distances specified below. The independent seismologist or blasting consultant shall not be an employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

Size of blast	Scope of pre-blast survey
Small Blast	Within 250 feet of the perimeter of the blasting site
Medium Blast	Within 500 feet of the perimeter of the blasting site
Large Blast	Within 600 feet of the perimeter of the blasting site

11.4.2. Pre-Blast Survey Offer Notice:

- 11.4.2.1. Along with your permit submittal, the contractor shall provide the following documentation to the Fire Department:

- 11.4.2.1.1. A map or plan showing the perimeter of the blast site and the buildings within the

pre-blast survey area.

- 11.4.2.1.2. A list of property owners contacted (in accordance with the distances listed in the table, above).
- 11.4.2.1.3. Verification (certificate of mailing) that the subject property owners were notified of the pre-blast survey work.
- 11.4.2.1.4. A copy of the pre-blast survey offer notice.
- 11.4.2.1.5. Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response.

- 11.4.2.2. The contractor shall retain a copy of each pre-blast survey and offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in addition to provision of the required offer notice letter.

11.4.3. Pre-Blast Survey Documentation:

- 11.4.3.1. All pre-blast surveys shall include documentation of interior subgrade and above grade accessible walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken.
- 11.4.3.2. A high- quality videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be submitted as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

11.4.4. Pre-Blast Survey Conditions Report:

- 11.4.4.1. The pre-blast surveys shall include a conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations.

11.4.5. Verification:

- 11.4.5.1. Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the Fire Department at least two weeks prior to commencing any drilling and/or blasting operations.

11.5. Notification to Neighbors

- 11.5.1. Notice of blasting operations shall be provided in accordance with the requirements listed in Portland Code of Ordinances Chapter 10 section 10-118. For medium and large blasts, please also refer to the additional notification requirements during construction, described in Section 11.8 and 11.9 of this document (Blast Warning and Blasting Schedule). A model notice is included at the end of this document.

11.6. Complaint Protocol

- 11.6.1. The blasting contractor shall be solely and completely responsible for the safety of all persons and property during the performance of work. The blasting contractor shall have full and complete responsibility for the handling, discharging, or settling of any and all damage or annoyance claims resulting from the blasting activities on the project.
- 11.6.2. Complaints shall be submitted to both the blasting contractor and to the Fire Department throughout the duration of blasting operations. If a property owner submits a complaint regarding alleged blasting-related damages, the independent seismologist or blasting consultant shall contact the property owner within 24 hours of receiving the complaint to discuss the basis for the complaint, review applicable blasting records, and evaluate the reasonableness of the complaint. If a reasonable basis for the complaint is verified, the independent seismologist or blasting consultant shall conduct a second condition survey of the property within 48 hours of receiving the complaint to identify any changes in the property conditions. A condition survey report summary shall be submitted to the permit holder and verification that the condition survey was completed and shall be submitted to the Fire Department within two weeks of the second condition survey being conducted.

11.7. Hours of Blasting and Storage of Explosives

- 11.7.1. Hours of blasting operations shall be limited to those defined in Chapter 10, Section 10-119 of the City Code of Ordinances.
- 11.7.1.1. Blasting shall occur Monday through Friday, between the hours of 9 a.m. and 4 p.m., unless otherwise approved by the AHJ.
- 11.7.1.2. Requests for extension of hours of blasting must be submitted by the applicant in writing to the AHJ.
- 11.7.2. Only the amount of explosives necessary for the day's work shall be brought to the site, and explosives shall be transported and stored in approved magazines when not in use.

11.8. Blast Warning

- 11.8.1. International Blast Warnings shall be utilized for all blasting operations, as described below:

3 horns	5 minutes before blast
2 horns	1 minute before blast
1 horn	All clear

- 11.8.2. Large Blasts: For large blasts, all persons within 600 feet of the blasting area shall be notified of the "warning" and "all-clear" signals through notices left in mailboxes and signs posted in the vicinity of the blasting site.

11.9. Blasting Schedule (Medium and Large Blasts, only)

- 11.9.1. For medium and large blasts, the blasting contractor shall prepare and submit a blasting schedule to the property owner, the general contractor and the Fire Department at least 10 business days prior to commencing blasting operations. The schedule shall include name and contact information for the blasting contractor, blasting area locations, planned dates and times of blasts, access restrictions to the blast areas, and warning signal protocols.
- 11.9.2. During construction, the blasting contractor shall coordinate the blasting schedule with the property owner and the general contractor.
- 11.9.3. The morning of a planned detonation, the blasting contractor shall notify the Public Safety Communication (pscommunications@portlandmaine.org) and Fire Department (fireprevention@portlandmaine.org) via email of the planned time of the blasts (+/- one hour), the location where the blasting is to occur, and the amount of explosives to be used. At least 24 hours prior to any blast, the blasting contractor shall inform all property owners who requested notice of the blasting schedule (+/- one hour).

11.10. Vibration Limits and Ground Vibration Monitoring

- 11.10.1. The seismograph must be set up at the closest structure to record each blast event. Ground vibration from all blasting operations shall be measured in terms of peak particle velocity (inches per second, ips) and frequency (Hertz). The permissible maximum ground vibration at existing nearby structures shall be limited to values established by the U.S. Bureau of Mines 3 to avoid cracking or structural damage in residential structures. Particle velocity shall be recorded in three mutually perpendicular directions. Ground vibration for residential structures shall not exceed the following limits:

Type of Structure	Maximum PPV (ins/s)	Maximum PPV (ins/s)
	Frequencies below 40 HZ	Frequencies 40 HZ or greater
Modern Homes (drywall interior)	.75	2.0
Older Homes (Plaster on wood lath for interior walls)	.50	2.0

- 11.10.2. Deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations may require lower PPV limits than those listed above. If information obtained from the pre-blast surveys indicates lower limits are required for certain structures, the independent seismologist or blasting consultant shall identify the limits applicable to a specific structure, and the blasting contractor shall incorporate such provisions in the features of the blasting plan.

- 11.10.3. In the event the blasting contractor's blasting round results in ground vibrations closely approaching the stated limits, the blasting operations shall be modified to reduce ground vibrations.
- 11.10.4. In the event the blasting contractor's blasting round results in ground vibrations exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the property owner and the general contractor, copied to the Fire Department. This report shall describe corrective action to be taken on the next shot. The next shot shall not be loaded until the blast site property owner and the general contractor acknowledge, in writing, copied to the Fire Department, that a design change is being attempted.
- 11.11. **Flyrock Control (Large Blasts, only)**
- 11.11.1. For large blasts, blasting mats, soil, or other equally serviceable material shall be utilized for all blast rounds to prevent the throw of flyrock from the blasting area.
- 11.12. **Pre-Blast Safety Meeting (Medium and Large Blasts, only)** For medium and large blasts, prior to any blasting the blasting contractor will conduct a pre-blast safety meeting with all contractors to familiarize them with blast signals and precautions.
- 11.13. **Test Blasts (Large Blasts, only)** For large blasts, prior to commencing full-scale blasting, the blasting contractor shall demonstrate the adequacy of the proposed blasting plan by drilling, blasting, and excavating short test sections using small charges and the required monitoring instruments. The blasting contractor shall develop site specific scaled distance relationships from the test blast rounds to determine the allowable charge weight of explosives to be detonated per delay.
- 11.14. **Personnel**
- 11.14.1. All employees of the blasting contractor working on site during the blasting operation shall be trained in the use and handling of explosives.
- 11.14.2. Large Scale Blasts: For large scale blasts, the blasting contractor shall be required to carry liability insurance (XCU) coverage in an amount no less than \$2,000,000. For all blasts, the blasting contractor shall be a company specializing in the use of explosives for breaking rock and licensed in the State of Maine. The blaster or foreman responsible for the loading and firing of each shot, as well as the person responsible for designing and directing the blasting operation, shall have at least five years of documented experience with similar work responsibilities. If controlled blasting methods are required, these individuals shall have at least five years of documented experience in controlled blasting techniques.
- 11.15. **Record Keeping and Reporting**
- 11.15.1. For large blasts, Blast monitoring and analysis shall be conducted by the independent seismologist or blasting consultant. A minimum of two (2) seismograph instruments will be used to monitor vibrations and airblast pressures for each blast. The seismographs used by the seismologist or blasting consultant for blast monitoring shall comply with the following requirements:
- 11.15.1.1. Velocity range: 0.005 to 10.0 inches per second.
- 11.15.1.2. Seismic frequency range: 2 to 250 Hz, within zero to -3 dB of an ideal flat response.

- 11.15.1.3. Acoustic frequency range: 2 to 250 Hz flat, -3 dB at 2 Hz + 1 dB.
- 11.15.1.4. Sound range: 100 to 140 dB (linear).
- 11.15.1.5. Measure, display, and provide a permanent time history record of the event, including both ground vibration and airblast.
- 11.15.1.6. Measure the three mutually perpendicular components of particle velocity in directions vertical, radial, and perpendicular to the vibration source.
- 11.15.1.7. The seismograph shall display and provide a record of:
 - 11.15.1.7.1. the date and time of the event
 - 11.15.1.7.2. identifying information concerning the company
 - 11.15.1.7.3. the location of the seismograph and of the blast
 - 11.15.1.7.4. trigger levels
 - 11.15.1.7.5. verification the instrument was set for "continuous" and not "manual" readings
 - 11.15.1.7.6. instrument serial number
 - 11.15.1.7.7. the date of the most recent calibration
- 11.15.1.8. The seismograph shall be calibrated as often as necessary, but at least once every 12 months, and must be performed to a standard traceable to the National Institute of Standards and Technology.
- 11.15.1.9. Blast monitoring data obtained by the independent seismologist or blasting consultant must be available for inspection on the blasting site, and be submitted in writing to the Applicant within 24 hours following each blast. A model blast monitoring report is included at the end of this section.

11.15.2. Blasting Log:

- 11.15.2.1. A blasting log summarizing details of the round as shot, weather conditions, proximity of the blast location to nearest structures, exact locations of monitoring instruments, and the results of blast monitoring at each instrument location shall be maintained daily for every blast. The blasting log shall be available for inspection on-site, shall be submitted in writing to the permit holder within 24 hours following each blast. The contractor shall retain a copy of each pre-blast survey and offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the Fire Department.

11.16. Airblast Overpressure Limits

- 11.16.1. The peak airblast overpressure at any inhabited building not owned or controlled by the developer shall not be allowed to exceed 133 decibels (linear) when measured by an instrument with a high pass system and a lower frequency limit of 2 Hz.
- 11.16.2. The seismologist or blasting consultant shall monitor, record, analyze and report airblast pressure

resulting from the blasting activities. In the event the blasting contractor's blasting round results in airblast overpressures approaching the stated limits, the Applicant may require the blasting contractor to modify the blasting operations to reduce airblast overpressures. In the event the blasting contractor's blasting round results in airblast overpressures exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the permit holder, and copied to the Fire Department. This report shall discuss the corrective action to be taken on the next shot, and the next shot shall not be loaded until the permit holder acknowledges, in writing, that a design change is being attempted.

11.17. Carbon Monoxide (CO) Control

11.17.1. If any blasting operations are to occur within two hundred and fifty (250) feet of any structure, the blasting company shall:

11.17.1.1. Submit a carbon monoxide (CO) management plan to the Fire Department with the Blasting Application for review and approval. The plan shall detail strategies that will be employed by the blasting company throughout blasting operations to prevent and mitigate the health and safety risks associated with possible CO migration away from the blast site and into abutting structures. CO management plans shall be tailored to the specific nature of blasting operations but shall include, at a minimum, two or more of the following actions:

11.17.1.1.1. Effort to determine the presence and location of one or more operable Carbon Monoxide detector(s) within abutting structures. Where operable Carbon Monoxide detectors are not present, they shall be temporarily provided and placed in the basement of the structure, or on the first floor if there is no basement, until at least 24 hours after completion of blasting operations.

11.17.1.1.2. Immediate excavation of individual shots, with holes remaining vented for an adequate time to allow any CO produced by the blast to dissipate into the atmosphere. Safe CO levels in the blast hole shall be confirmed by a CO detector before the hole is backfilled.

11.17.1.1.3. Identify and document active and abandoned sewer connection locations and sealed drains locations for abutting structures as part of the pre-blast survey in order to identify structures that may pose an increased risk for CO migration. This information is available through the City of Portland Department of Public Works.

11.17.1.2. Notify all commercial and residential abutters of the blast site at least 24 hours prior to the start of blasting by means of door hangers left at both front and rear primary building entrances. Reasonable effort shall be made to also provide face-to-face notification to all building owners and/or occupants of abutting buildings. The language provided on the door hanger is provided at the end of this section.

11.17.2. If a carbon monoxide detector is in alarm during blasting operations, the blasting company or building occupant shall call 911 immediately. In addition to calling 911, the blasting company shall contact the Fire Department at (207) 874-8405 to notify them of the emergency. The blast location shall be excavated immediately and shall remain open to the atmosphere until CO is no longer detectable in the blast hole.

MODEL BLASTING PLAN

Removal of over 300 cubic yards of rock material

The purpose of the Blasting Plan is to describe anticipated rock excavation requirements for the project, and outline proposed blasting operations, vibration control criteria, and monitoring/reporting protocols, and to protect surrounding properties from damage related to proposed blasting activities.

- 1. Project:**
- 2. Project Location:**
- 3. Estimated Quantity: (cubic yards in-ground measurement) of Rock to be Blasted:**
- 4. Project Description:**

Describe the project for which blasting is required. Include lot size, building construction type, number of units, etc. Refer to site/grading plans. Specify anticipated depth of fills and cuts.

5. Site and Subsurface Conditions:

Provide a detailed description of the site, including but not limited to existing conditions, elevations, terrain character, topography, soil conditions, groundwater depths, depth of bedrock, etc.

6. Surrounding Properties, Utilities and Wells:

Describe surrounding properties, specifying use and type of construction. Include a vicinity map with the outlines of existing structures located within a site radius equal to the minimum radius required for pre-blast condition surveys. Indicate the location of all utilities in the vicinity, including water, sewer, stormwater, and natural gas. Indicate the location of drinking wells in a 2000 ft radius of the property.

7. Anticipated Project Areas Requiring Blasting:

Indicate on a site plan the areas where blasting is expected to occur. Provide a narrative characterizing the blasting/excavation work, the estimated total number of cubic yards of material to be removed by blasting, and an estimate of the number of blasts required to remove the specified amount of material. Include a proposed Bedrock Excavation Plan showing approximate bedrock excavation areas, variations in the depth of bedrock excavation requiring blasting, and areas where controlled perimeter blasting methods will be used (if any). Describe the distance of proposed blasting to the nearest structures and underground utilities.

Attachments:

- A. Site Plan
- B. Radius Plan
- C. Proposed Bedrock Excavation Plan
- D. Model Notification Letter
- E. Model Offer of Pre-Blast Survey Notice
- F. Model Blast Monitoring Report

MODEL NOTIFICATION LETTER

Dear Neighbor:

We are sending you this letter to inform you that we will be blasting ledge in preparation for the project on (Street). As required by City Ordinance, prior to any blasting, neighbors within (250, 500, 600)feet of the blast area shall be notified in writing prior to the blast. We will begin blasting on (date). We expect the blasting to last for (days). By City Ordinance, blasting will occur between 9:00am – 4:00pm, Monday through Friday.

The procedure for the blast will be as follows: Just before the blasting is due to begin, a horn will sound to signal people in the immediate area of the upcoming blast. The horn will blow in the following sequence:

- 3 long horns – 5 minutes before the blast
- 2 long horns – 1 minute before the blast
- 1 long horn - All clear for the blast to proceed.

Please Note: Toxic gasses, including carbon monoxide (CO), are a byproduct of the detonation of explosives. Carbon monoxide is a poisonous, colorless, odorless, and tasteless gas. Exposure to raised levels of carbon monoxide can be hazardous or deadly. It is possible, in instances of incomplete combustion of explosives and where an open pathway is present, for carbon monoxide to travel from the blast site into nearby buildings. The Portland Fire Department encourages all Portland residents to install carbon monoxide detectors in their homes and workplaces to prevent exposure to hazardous levels of carbon monoxide. Carbon monoxide detectors should be installed in the basement and on all levels of structures.

If you have any questions, please call any of the following numbers:

Blasting Contractor: (xxx) xxx-xxxx

City of Portland Fire Prevention Bureau: (207) 874-8400

For damage complaints, please contact the Fire Prevention Bureau at fireprevention@portlandmaine.gov to log the complaint and request inspection and documentation of the damage. Please do not hesitate to call if you have any questions or concerns.

Sincerely,

Blasting Contractor

MODEL OFFER OF PRE-BLAST SURVEY NOTICE

Date

Dear Neighbor:

We are sending you this letter to inform you that we will be blasting ledge in preparation for the project on (street).

As required by City Ordinance, prior to any blasting, a pre-blast survey of all structures within (250, 500, 600)feet of the blast area shall be conducted to establish a baseline against which any claims of damage caused by this blasting can be judged. Your property is within the (250, 500, 600) ft radius. A pre-blast survey will be performed at no cost to you if you would like to have it done.

To request that a pre-blast survey be done of your residence, please complete the enclosed survey form in its entirety and mail it back in the enclosed stamped envelope no later than (date).

Pre-blast condition surveys for this project will be performed by (xxx) . A representative from (xxx) will call you to set up an appointment to perform the survey. A seismologist or a qualified technician working under the direction of a seismologist from (xxx) will then make a videotape of the interior and exterior condition of your residence. The pre-blast survey records will be kept in a locked file until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City, at which time they will be destroyed.

If you have any questions, please contact (xxx) at (xxx) xxx-xxxx

Thank you,

Blasting Contractor

Door Hanger Model Language

Fact Sheet

This notice serves as a reminder that blasting operations will be occurring in your neighborhood in the next day or two. By now you should have also been notified in writing by the Blasting Company who will be doing this work. For the public's safety, the City of Portland requires contractors of blasting operations to monitor for the release of any carbon monoxide gas traveling into occupied buildings. This notice describes what carbon monoxide is, identifies potential signs of carbon monoxide build-up and steps for you to follow.

What is carbon monoxide?

Carbon monoxide (CO) is an odorless, colorless gas that can cause sudden illness or death.

Where is CO found?

CO is found in combustion fumes, such as those produced by cars and trucks, small gasoline engines, stoves, lanterns, burning charcoal and wood, and gas ranges and heating systems. **CO is also a byproduct of blasting operations in the ground.** CO from any of these sources can build up in enclosed or semi-enclosed spaces. People and animals in these spaces can be poisoned by breathing it.

Protection from CO:

The best protection from CO poisoning is early detection through the installation of working carbon monoxide detectors in your home.

What are the symptoms of CO poisoning?

The most common symptoms of CO poisoning are headache, dizziness, weakness, nausea, vomiting, chest pain, and confusion. High levels of CO inhalation can cause loss of consciousness and death. Unless suspected, CO poisoning can be difficult to diagnose because symptoms mimic other illnesses. People who are sleeping or intoxicated can die from CO poisoning before ever experiencing symptoms.

Emergency Contact:

If you or anybody in the building experiences any of the symptoms or your CO detector goes into alarm **please call 911 immediately.**

If you have general questions regarding blasting operations in your neighborhood or carbon monoxide, please contact:

**Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(207) 874-8400
fireprevention@portlandmaine.gov**

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MEMORANDUM

To: Health and Human Services and Public Safety Committee

From: Amy McNally, Associate Corporation Counsel

Date: November 7, 2024

Subject: Amendments to Chapter 10 - Regulations of Explosives and updates to the Fire Prevention Rules and Regulations

On November 4, 2024, the City Council approved comprehensive revisions to Chapter 14 of the City's Code of Ordinances ("ReCode"). Regulation of Explosives was previously included in Article 22 of Chapter 14. The amended version of Chapter 14 adopted in ReCode deletes Article 22 entirely. The intent behind removing Article 22 from Chapter 14 was to relocate the provisions regulating explosives to Chapter 10, which governs fire prevention and protection.

The draft of a proposed new Article IX to be included in Chapter 10 has been provided in the backup materials for review. This new Article IX largely mirrors the language and regulations that were contained in former Article 22 of Chapter 14 with a few minor changes. First, the new Article IX requires applicants to submit their blasting permits and corresponding documents to the "authority having jurisdiction" instead of the planning authority. Section 10-2 of the City Code defines the "authority having jurisdiction" as the chief of the fire department or their duly authorized representative. The new Article IX also incorporates the Fire Department Rules and Regulations instead of the Technical Manual for additional details and requirements related to blasting. The Fire Department Rules and Regulations have been updated to include a new Chapter 11 which covers blasting and regulation of explosives. The revised rules and regulations are included in the backup materials as well. Lastly, the new Article IX also contains a modest increase in the penalties for violations.

The purpose and substance of this ordinance regulating explosives and blasting in the City is largely the same as it was when it was included in Chapter 14. The change mainly shifts which department is tasked with reviewing permits and enforcing compliance with these regulations. I understand Fire Department staff support moving these provisions to Chapter 10 and bringing review and enforcement authority under the umbrella of the Fire Department. I look forward to discussing this in more detail and answering any questions you may have at the meeting on Tuesday, November 12th.