



ECONOMIC DEVELOPMENT COMMITTEE

DATE: April 18, 2017 (Tuesday)
TIME: 5:30 – 7:30 p.m.
LOCATION: City Council Chambers
Portland City Hall

A G E N D A

1. **Review and accept Minutes of previous meeting held on April 4, 2017.**
2. **Review and vote to recommend to City Council proposed Ordinance Amendments for Permitting and Inspections.**
 - a) See enclosed Memorandum and proposed Ordinance Amendments from Michael Russell.
3. **Public Hearing on Mayor Strimling's proposed amendments to City of Portland Tax Increment Financing (TIF) Policy.**
 - a) See enclosed backup material.

Public Comment will be accepted on action items.

Councilor David Brenerman, Chair

Minutes
Economic Development Committee
April 4, 2017

A meeting of the Economic Development Committee (EDC) of the Portland City Council was held Wednesday, April 4, 2017 at 5:30 p.m. in Room 209, second floor of Portland City Hall. Present from the Committee was its Chair Councilor David Brenerman and members Councilors Pious Ali and Spencer Thibodeau. Present from City staff were Public Facilities Director Kathy Alves, Associate Corporation Counsel Michael Goldman, Economic Development Director Greg Mitchell, and Senior Executive Assistant Lori Paulette.

Item #1: Review and accept Minutes of previous meeting held on March 29, 2017.

On motion made and seconded, the Committee voted unanimously (3-0) to accept the Minutes as presented.

Item #2: Review and vote to recommend to the City Council the Proposed sale of City-owned Riverside Street Property.

Mr. Mitchell said that at the EDC meeting on January 3, 2017, it reviewed a number of City-owned properties for possible disposition, and this subject property was discussed. He then displayed a board with the map and provided the Committee with an orientation of the property. This is a multi-tenanted proposed development, with 30' x 50' units which could be combined, as well as 4,000 sq. ft. units in the back. Mr. Mitchell then described the Conservation Easement (CE) around the perimeter of the property, noting that the current access to the trails would be moved to a new curb cut (eliminating the current curb cut) for the subject property and then an easement over the subject property (in green on the map) would be provided for access to the trail system.

Mr. Mitchell then noted that the block shaded in blue on the map is where the City's communication tower is currently being built and described easements for access to the tower. There will be light poles installed, with a future plan to have these underground.

Mr. Mitchell said that the acreage proposed to be purchased by AIM Riverside II LLC is approximately 6.72 acres at \$90,000 per acre. He also noted that with the surge of the brewing business, that industry is utilizing more and more industrial space, so this type of development being proposed is much needed, noting that this is a concept plan with a total of 75,000 sq. ft. of industrial space being created. Construction may be phased or done all at one time. The proposed developer owns other industrial real estate and understands the market, and this will help to retain and attract industrial users.

Mr. Mitchell said that the proposed Agreement also provides for a split of the broker's fee, so the City would pay 2%, and AIM Riverside II LLC would pay the other 2%. He noted that he has worked with brokers in the past for this property, but in this transaction the City did not utilize a broker.

Mr. Mitchell added that the City would be submitting a subdivision amendment application for this transaction during the due diligence period after execution of the Purchase and Sale Agreement.

Lastly, Mr. Mitchell said that there is a provision for the City's right to repurchase, and staff feels that this is a fair transaction for the City, a good fit, and a good public benefit to provide space for industrial users.

Councilor Ali asked about the City's right to repurchase. Mr. Mitchell said that once the closing takes place, if the Developer fails to commence construction of the project within 12 months after the closing and construct 50,000 sq. ft. of the development within seven years after

closing, the City shall have the right, but not the obligation, to repurchase the premises at the purchase price.

Councilor Thibodeau asked about the CE, and the access easement being proposed to move. Mr. Goldman said that the access easement to the CE will be over property the City is selling to the developer; the developer has agreed to provide access to the CE utilizing the new curb cut to his property and then using the access easement to get to the parking area that the trail system currently has at that location.

Councilor Thibodeau thanked Mr. Goldman for the clarification that the new access easement property is not part of the current CE property. He then asked if an appraisal had been done, and Mr. Mitchell indicated that one had not been done. Staff, however, feels confident that the proposed purchase price is in line with other comparables that have been checked in the area. He also noted that the City had appraisals done on vacant industrial land in the Canco Road area, which also provided for staff feeling confident with the purchase price, and that the City did not need to pay upwards of \$4,000 for an appraisal.

Councilor Thibodeau questioned the City paying a percentage of the broker fee, and also asked how the sale funds would be used. Mr. Mitchell said that the City paying a portion of the broker fee is not unusual and it offers an incentive for the purchase. Regarding use of sale funds, that is a discussion for another day; funds have not been targeted towards anything at this time.

Chair Brenerman asked why the City is undertaking the subdivision amendment process, and what the estimated taxes would be at full build out.

Mr. Mitchell noted that if the applicant were to undertake the subdivision amendment process, it would reduce the purchase price. The City recently had the property surveyed for the land being purchased under this proposed Agreement, as well as for the location of the

communications tower, the latter of which slowed down this purchase. It made sense for the City to proceed with the subdivision amendment process. The Developer would move forward simultaneously with the City for the site plan approval process. The Purchase and Sale Agreement provides the Developer with site control evidence to proceed with the site plan approval process. Regarding estimated taxes at full buildout, Mr. Mitchell estimated it to be \$75,000 annually.

Councilor Thibodeau noted for the record that he does not have a conflict of interest in voting on this matter.

Mr. Mitchell said that the communications tower requires telecommunications and electrical service, noting that this tower will be used by the City for public safety dispatch purposes. Ms. Alves said that the design of this tower will take the City into the future with its capacity. The City had looked at other places, but this was the best place for its placement.

Chair Brenerman asked if there was any public comment.

Steven Scharf of Salem Street noted that the tower, being 180 feet tall, will be the highest structure in the State of Maine, noting that Franklin Towers is 175 feet. He said he fully supports the sale and getting this property on the tax roll. He asked for clarification on the access easement to the CE, and if there was already a paved parking area for accessing the trail system on the CE.

Councilor Thibodeau asked about the Tower rights, particularly if Verizon, et al, could use it. Mr. Goldman said that access easement to it satisfies the City. It also includes provisions to the extent the City has other tenant uses that they would also have access rights.

Chair Brenerman asked if the neighbors were notified about tower, and Mr. Mitchell said that prior to this meeting on the proposed sale, property owners within a 500-foot radius of the

subject property were notified of this proposed sale and this meeting. Regarding notice for the tower, that project has been handled by the Fire Department but he has heard no feedback on the tower.

Councilor Ali asked if there was any recourse to neighbors if the tower interfered with their uses and any radioactivity concerns. Mr. Mitchell said that he can follow-up with the Fire Department, noting that the Tower is located 400' to 500' back from Riverside Street.

Continuing public comment, Joe Brunelle of Kellogg Street said that he googled radioactivity concerns from communications towers, and there does not appear to be any cancer concerns. Regarding no appraisal being done, he noted that it would be beneficial from a public perspective to have had one done to be confident in the purchase price. Mr. Brunelle then noted that George Rheault, who could not be here, asked him to provide his questions to the Committee, namely: (1) why does the developer have a California resident address; and, (2) why was Public Works not moved to this property as originally planned.

Seeing no further public comment, the public comment session was closed.

Mr. Mitchell clarified the access easement, noting that curb cut access now to the CE would be closed and a new curb cut for access to the subject City sale property being created. The access easement being provided by the new owner of the City property, from the new curb cut, will provide for a new way to access the CE and trail system area to the already paved area for parking on the CE.

Regarding Mr. Rheault's questions, Mr. Mitchell said the Developer is a former Mainer has a presence in Portland as a developer but resides in California. Public Works did not move because, originally, it was planned to be a regional Public Works area for Portland and Westbrook. That did not happen and, therefore, the City has been selling the property for

industrial development.

Councilor Thibodeau said that because staff is confident with the purchase price and comparables, he was also okay with no appraisal being done.

Councilor Ali made a motion to forward the proposed Purchase and Sale Agreement, in substantially the form as presented, to the City Council with a recommendation that it be approved. Councilor Thibodeau seconded the motion and it passed unanimously (3-0).

Item #3: Review and vote to recommend to the City Council the proposed amendments to Lease of Ocean Gateway with Bay Ferries.

Mr. Mitchell said that the 2017 season would be Bay Ferries second season at Ocean Gateway; the lease has a one-year renewal option solely upon City consent. There are three areas of proposed amendments to support the 2017 season:

- (1) Ferry Service Dates and Operating Season. The 2017 season is extended by two weeks into October and operates from four to five days a week during the shoulder times of the season (May/June and Sept./Oct.), and six to seven days a week during the peak time (July/August). The modification for the shoulder time of the season works well for the City, eliminating cruise ship conflicts at the height of that season in the Fall.
- (2) Terminal Building Use. Use of the ground level has been added for Customs screening versus in the queuing area.
- (3) Rent and Fees. Added use of the Terminal Building increases the cost by \$1,400 per month.

Councilor Thibodeau asked about the flow of passengers from the Ferry to the Terminal Building for Customs screening, and Ms. Alves described it getting off the Ferry, walking down

the ramp toward Thames Street, and then up the other ramp to the ground floor of the terminal building. Bay Ferries staff will be leading its passengers to the screening area.

Chair Brenerman asked if there was any public comment.

Steven Scharf of Salem Street asked for the size of the Departure Building and what it is being used for, and why and how much does the City pay for the cost of its heating and sewer. Regarding the \$1,400 extra for use of the ground floor of the Terminal Building, he felt it was too low. He then asked how many City staff is used for Bay Ferries.

There being no further public comment, Chair Brenerman closed the public comment session.

Mr. Mitchell said the Departure Building is used by Bay Ferries for its ticketing operations year-round. Ms. Alves added that the Departure Building is 2,400 sq. ft. and the public uses the restrooms; therefore, the City pays for heating and sewer. The Terminal ground floor space is approximately 3,000 sq. ft. and was designed to be used for international ferry and Customs operations. The Ferry, on average, has 15 walk-on passengers that would go through the Customs space, taking about a half hour each time; the bulk of the passengers go by car. City staff is not used when Bay Ferries is at Ocean Gateway.

Chair Brenerman asked if Custom Boarder Protection (CBP) pays for the space, and Ms. Alves indicated that they did not. Bay Ferries is paying a tax to CBP on a per head basis.

Chair Brenerman asked about City expenses and revenue net, and Ms. Alves said that she has the information at her office, noting that the revenue for the 2016 season was approximately \$265,000. The City sees the majority of revenues due to the head tax and vehicle tax.

Councilor Thibodeau made a motion to forward the Amended and Restated Lease, in substantially as the form presented, to the City Council with a recommendation for approval.

Councilor Ali seconded the motion and it passed unanimously (3-0).

Other business: For the Committee meetings in May, the Committee members would be available May 9 and May 23. Ms. Paulette said she would confirm these dates and locations with an email to the Committee this week.

There being no further business to come before the Committee, the meeting then adjourned at 7:00 p.m.

Respectfully,

Lori Paulette



Permitting and Inspections Department
Michael A. Russell, MS, Director

MEMORANDUM

TO: Economic Development Committee

FROM: Michael A. Russell, Director, Permitting and Inspections Department

Cc: Anne Torregrossa, Associate Corporation Counsel

DATE: April 13, 2017

SUBJECT: Proposed Ordinance Revisions

I. ONE SENTENCE SUMMARY

Proposed ordinance changes on behalf of the new Permitting and Inspections Department.

II. BACKGROUND

As part of the effort to streamline and update the new department's operations, the City Code of Ordinances have been reviewed by the department's staff and Corporation Counsel. Public services from several departments were merged together into one new department and the following opportunities have been identified for revisions within the City Code.

Building and Building Regulations

The proposed changes to Chapter 6 are attached as Appendix A. The following summarizes those changes:

- Removed the references to housing safety officials to reflect the current, aggregated Department structure.
- Added a definitions section, and began the process of aggregating definitions into Article I for ease of use.
- Streamlined and clarified penalty provisions, with no substantive changes.
- Streamlined the permitting and fee provisions, including removing the fees from the ordinance to stand as a separate fee schedule. Under the current proposal, the fee schedule would continue to be adopted and approved by the City Council, but would be separated from the ordinance and allow for greater accessibility and clarity. A copy of the proposed fee schedule is attached as Appendix B. The following substantive changes are proposed to the fee schedule to act as deterrents to frequent problems:
 - Lower the Stop Work Order Removal Fee for cost of work less than \$10,000 and increase for cost of work over \$10,000. This will make it more equitable and forgiving for the homeowner who does a small amount of unpermitted work.
 - Establish a fee for completing work during a Stop Work Order.
 - Establish a fee for missing scheduled inspections.



Permitting and Inspections Department
Michael A. Russell, MS, Director

- Establish a fee for securing an unsafe building.
- Restructure building re-inspection fees to cascade.
- The current permit refund policy is 90% of the fee, even after the staff review and inspections have been completed and the permit has been issued. I recommend changing the ordinance to allow the Permitting and Inspections Department to adopt its own policy. Our plan would be to adopt a tiered refund policy that considers the staff resources to process, review and inspect permits (Appendix C).
- Article II, *Building Code*, Article III, *Electrical Code*, and Article IV, *Mechanical Code* are significantly outdated. The current proposal eliminates the three separate articles and combines them into one, more streamlined article. In addition to the reorganization, the following substantive changes are proposed:
 - Updating to the 2014 version of the National Electric Code;
 - Clarifying demolition requirements to ensure that a licensed professional is addressing any asbestos issues.
- The following changes are proposed to Article V, *Housing Code*:
 - Updating the penalty and enforcement provisions to be more consistent throughout the Code;
 - Removing the licensing requirement for lodging houses. The current requirement to register rental units would include these types of facilities;
 - Adding a section that addresses the habitation of recreational shelters, such as RVs - this provision will be considered by the Housing Committee and need not be considered by this Committee;

Business Licenses and Permits

The proposed changes to business licensing and permits impact Chapter 1 (Appendix D), Chapter 4 (Appendix E), Chapter 5 (Appendix F), Chapter 10 (Appendix G), Chapter 11 (Appendix H), Chapter 12 (Appendix I), Chapter 15 (Appendix J), and Chapter 16 (Appendix K), and Chapter 30 (Appendix L). The following summarizes those changes:

- Correct the current business licensing ordinance to clarify what types of fees are refundable, and to allow the Department to adopt a refund policy with respect to the licensing fees. Currently, only the application fee is eligible for refund.
- Discontinue Carnival and Merry Go Round licenses. Keep Circus license.
- Discontinue Chicken licenses. Continue enforcing animal control regulations.
- Discontinue single concert/dance license for events with less than 250 persons or do not serve alcohol. A single concert on public property will be licensed by Public Assembly Facilities. Alcohol will still be licensed by Business Licensing.
- Add new temporary event license requirement that applications are submitted at least 7 business days beforehand. This will encourage good planning and prevent last minute crises for the customer and staff that shift resources and priorities.
- Change the validity of a temporary event license from 14 consecutive days to 14 days. For example, a recurring concert series can have one license for 14 concerts and pay once.
- Change Bicycle cab company and driver's expiration dates to April 30th to match the expiration date for Livery, Taxi and Tour companies and drivers.
- Change the fees provisions for vehicles for hire to match Chapter 15.



Permitting and Inspections Department
Michael A. Russell, MS, Director

- Clarify the definition of a tour company.
- Update the licensing authority for various types of licenses and permits to reflect the new business licensing division.
- Standardize enforcement and penalty provisions.

III. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Streamline and update the city ordinances relating to the operations of the new Permitting and Inspections Department.

Council Goal Addressed:

Economic Development:

- Create a more efficient permitting process with specifics; computer tracking.

IV. FINANCIAL IMPACT

Based on the last full fiscal year of fees, the additional charges could result in an increase of \$4,000 in Stop Work Order Removal Fees and \$10,000 from changes to reinspection fees.

V. STAFF ANALYSIS

The proposed ordinance changes fall into two categories: “housekeeping” and efficiency. For example, there are a number of outdated references that need to be updated and are considered housekeeping. Other changes, such as the updated schedule of fees, are intended to help focus limited staff resources on the greatest demand for inspection services. The proposed fees and changes to existing fees are designed as deterrents to customer behavior that diverts department resources from the greatest number of customers and incurs opportunity costs for paying customers who are ready and waiting for scheduled building inspections. It is the department director’s sincere hope that the fees themselves will serve as a sufficient deterrent and will never be collected. An effective education and deterrent strategy will allow the department to be efficient as possible and minimize the amount of resources spent investigating unpermitted work complaints and re-inspecting properties. Educational outreach is completed through an ongoing, multi-pronged approach via the website, 1:1 conversations with customers, meetings with trade associations and more.

VI. RECOMMENDATION

Pass the proposed ordinance amendments as proposed.



Permitting and Inspections Department
Michael A. Russell, MS, Director

VII. LIST ATTACHMENTS

Appendix A – Proposed amendments to Chapter 6
Appendix B – Proposed amendments to the schedule of fees in Chapter 6
Appendix C – Proposed amendments to the building permit refund policy in Chapter 6
Appendix D – Proposed amendments to Chapter 1
Appendix E – Proposed amendments to Chapter 4
Appendix F – Proposed amendments to Chapter 5
Appendix G – Proposed amendments to Chapter 10
Appendix H – Proposed amendments to Chapter 11
Appendix I – Proposed amendments to Chapter 12
Appendix J – Proposed amendments to Chapter 15
Appendix K – Proposed amendments to Chapter 16
Appendix L – Proposed amendments to Chapter 30

CHAPTER 6

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions

Except as otherwise provided, the following definitions shall apply to this Chapter:

Building shall mean anything constructed with a roof and walls built for permanent use.

Building authority shall mean the Permitting and Inspections Department Director.

Building official shall mean the Permitting and Inspections Department Director.

Demolition debris includes, but is not limited to, materials that are created by site preparation, clearing land, or erection or destruction of a building or structure. It also includes, but is not limited to, brush, tree limbs, stumpage, building materials, and the waste products of building activity, such as: clay, brick, masonry, concrete, plaster, glass, wood and wood products, asphalt, rubber, metal; and plumbing, electrical and heating fixtures, appurtenances thereto and parts thereof.

Significant code violation shall mean any of the following:

- a. Inadequate or blocked ingress or egress;
- b. Overcrowded conditions as described in section 6-110;
- c. Unsanitary conditions as described in section 6-109, including but not limited to vermin infestation;
- d. Inadequate or defective smoke or fire detection systems;
- e. Inadequate or defective plumbing or electrical systems;
- f. Substantially damaged or defective structural elements; and
- g. Intentional denial of heat or electricity to the legal occupant of a dwelling unit by the owner of the dwelling unit. For purposes of this provision, the terms

"occupant", "dwelling unit" and "owner" have the same meanings as provided in section 6-106.

Structure shall mean anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Sec. 6-~~21~~. Penalties.

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions set forth in Chapter 6 is liable for the penalties set forth in this section. ~~For purposes of this Chapter, the Director of Permitting and Inspections is the building authority.~~

- (a) *Penalties.* ~~Except for paragraph g., m~~Monetary penalties shall be assessed on a per-day basis for each day on which a violation exists:

1. ~~The minimum penalty for starting construction or undertaking a land use activity without a required permit is one hundred dollars (\$100.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day.~~

2. The minimum penalty for a specific significant code violation is two hundred dollars (\$200.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day. The minimum penalty for failure to correct such significant code violation after written notice by the city to do so is five hundred (\$500.00) per day, and the maximum penalty is five thousand dollars (\$5,000.00) per day. The minimum penalty for failure to correct such significant code violation after a second written notice by the city is one thousand five hundred dollars (\$1,500.00) per day, and the maximum penalty is ten thousand dollars (\$10,000.00) per day. ~~As used in this section, "significant code violation" means any of the following:~~

~~—Inadequate or blocked ingress or egress;~~

- ~~a. Overcrowded conditions as described in section 6-110;~~
- ~~b. Unsanitary conditions as described in section 6-109, including but not limited to vermin infestation;~~
- ~~c. Inadequate or defective smoke or fire detection systems;~~
- ~~d. Inadequate or defective plumbing or electrical systems;~~
- ~~e. Substantially damaged or defective structural elements; and~~
- ~~f. Intentional denial of heat or electricity to the legal occupant of a dwelling unit by the owner of the dwelling unit.~~

~~As used in this section, the terms "occupant", "dwelling unit" and "owner" have the same meanings as provided in section 6-106.~~

- 2. The penalty for violating the occupant load limit, as determined under MUBEC or Chapter 10 of this Code, is \$250.00 for the first violation; \$500 for the second violation; \$1,000 for the third and subsequent violations. Violations shall be calculated on a rolling twelve-month basis.
- 3. The minimum penalty for a specific violation other than a violation described in subparagraph 12 is one hundred dollars (\$100.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day.
- 4. In addition to penalties, tThe violator may be ordered to correct or abate the violations. When violations occur in a shoreland area, as defined in section 14-447, or when the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:
 - a. A threat or hazard to public health or safety;
 - b. Substantial environmental damage; or

c. A substantial injustice.

~~Notwithstanding paragraph 4, for violations of this chapter that occur in a shoreland area as defined in section 14-447, the violator shall be ordered to correct or mitigate the violation unless the correction or mitigation results in:~~

~~a. A threat or hazard to public health or safety;~~

~~b. Substantial environmental damage; or~~

~~c. A substantial injustice.~~

5. If the city is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

6. In setting a penalty, ~~the court shall consider, but is not limited to,~~ the following shall be considered:

a. Prior violations by the same party;

b. The degree of environmental damage that cannot be abated or corrected;

c. The extent to which the violation continued following a city order to stop; and

d. The extent to which the city contributed to the violation by providing the violator with incorrect information or by failing to take timely action.

7. The maximum penalty may exceed the limits described in paragraphs 1, 2 and 3, but may not exceed twenty-five thousand dollars (\$25,000.00) per day, when it is shown that there has been a previous violation or judgment against the same party within the past two (2) years for a violation of the same law or ordinance.

8. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum penalties may be increased. The maximum penalty under this paragraph may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.
9. In addition to the other penalties in this section, the building authority or ~~a housing safety official designated by the city manager~~his or her designee may suspend a contractor's, owner's, or developer's right to obtain building permits or work on any project in the city if the building authority or a housing safety official designated by the city manager determines that a contractor's, owner's, or developer's violation or violations of any provision in articles II, III, or IV of this chapter create such a threat to life or safety that a structure must be posted against occupancy or that the violation or violations render a structure uninhabitable. The suspension authorized by this subparagraph~~8~~ shall be lifted when the building authority or ~~a housing safety official designated by the city manager~~his or her designee determines that the violation or violations have been fixed.

- (b) ~~Proceedings brought for benefit of municipality. All fines resulting from these proceedings~~penalties assessed pursuant to this section shall be paid to the city.

(Ord. No. 120-97, § 1, 10-20-97; Ord. No. 240-98, § 1, 4-6-98; Ord. No. 60-06/07, 10-16-06; Ord. 298-14/15, 7-6-2015; Ord. No. 165-15/16, 3-7-2016)

Sec. 6-~~32~~. Fees for reinspections.

Following the issuance of a notice of violation and an order to correct violations, the enforcement authority or a housing safety official designated by the city manager will reinspect once for no fee in order to determine whether the violations have been fixed in compliance with this chapter. If the violations have not been fixed in compliance with this chapter, the violator shall be assessed a fee as set forth in ~~section 6-17~~the fee schedule adopted pursuant to 6-16 for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property

of the violator and the assessment and lien shall be collected and enforced pursuant to section 1-16.

Chapter 6, Articles II, Building Code; III, Electrical Code; and IV, Mechanical Code, shall be repealed in their entirety and replaced as follows:

ARTICLE II

Division 1 - In General

Sec. 6-16. Permits and permit fees.

- (a) No person may commence work on any of the following without first obtaining a permit from the building authority:
 - 1. Constructing, enlarging, altering, repairing, moving, converting, demolishing, or changing the use of any building or structure;
 - 2. Installing, removing, or altering plumbing or plumbing fixtures, or subsurface waste water disposal systems or components;
 - 3. Installing, removing, or altering electrical or signaling conductors, equipment and raceways, or optical fiber cables and raceways, however, permits shall not be required for:
 - i. Replacing lamps or other portable devices to existing receptacles;
 - ii. Telephone or telegraph transmission,
 - iii. Municipal signal and fire alarm or radio companies, public utility work and maintenance, and work by municipal employees on municipal property.
- (b) Fees for permits and inspections under this article shall be as set forth in the permit fee schedule, adopted by the City Council.
- (c) For permit fees based on cost of work, if the proposed project cost submitted by the applicant is less than that as would be indicated by national standards, the City of Portland reserves the right to determine the proposed project cost based on those standards and assess the permit fee accordingly.

- (d) The fee for any permit obtained after work has been commenced shall be double the fee otherwise provided for in the fee schedule adopted pursuant to this section.
- (e) The Permitting and Inspections Department Director shall adopt a policy authorizing refunds of any fee under this section, where appropriate.

Sec. 6-17. Certificate of Occupancy.

- (a) No building, structure, or property shall be used or occupied without a certificate of occupancy.
- (b) No final certificate of occupancy shall be issued where any condition of the building, structure, or property is not in compliance with any other section of this Code, except where phased occupancy is specifically provided for in approved permits or plans.
- (c) No final certificate of occupancy shall be issued without the approval of the fire chief or his designee.

Sec. 6-18. Violations.

- (a) Any person who owns, occupies, or controls a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in section 6-2 of this Chapter and 30-A M.R.S. § 4452 if that person does any of the following:
 - 1. Violates a provision of this Article, or any codes adopted pursuant to this Article;
 - 2. Allows a violation to occur or remain at any building, structure, or premises that he or she owns, occupies, or controls;
 - 3. Fails to comply with any lawful order issued pursuant to this Article; or
 - 4. Builds inconsistently with any approved permit or plan.
- (b) The imposition of a penalty for a violation does not excuse that violation or allow it to continue.

Sec. 6-19. Enforcement.

In addition to the remedies otherwise provided, the following specific remedies shall also be available:

- (a) The building authority may issue a stop work order, prohibiting that any additional work be completed until any violations are remedied. A fee to remove any stop work order shall be set forth in the fee schedule adopted pursuant to section 6-16.
- (b) The building authority may cut electrical wires, remove fuses, or otherwise make a circuit or system inoperative whenever it is found that:
 - 1. Any electrical work has been done without first obtaining a permit; or
 - 2. Any electrical work has been done not in compliance with this Article.
- (c) Where any establishment exceeds the posted occupant limit, the building authority, the fire chief, and/or their designees, may order any performance, presentation, spectacle, or entertainment to be stopped until the condition is corrected.
- (d) The building authority 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 this article.

Sec. 6-20. Appeals.

- (a) An aggrieved party may appeal from a final decision made pursuant to this Article to the board of appeals within ten (10) days from the action of the building authority.
- (b) The board of appeals may permit exceptions to or variances from the specific provisions of this Article where it is established that strict application of the provisions of this code will result in undue hardship, and where the purpose of this Article in promoting the public health, safety and welfare, is not adversely affected.
- (c) The order of the building authority shall not be stayed during any such appeal.

Sec. 6-21. Liability.

- (a) Nothing in this Article shall be construed to relieve any responsible party from liability, or lessen such liability, for damages to persons or property caused by a defect in work performed pursuant to this article.
- (b) No officer or employee charged with the enforcement of this article and acting for the city in the discharge of his or her duties shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts in the discharge of his or her duties.
- (c) The City shall not be rendered liable for any damage to persons or property arising out of any permit, inspection, or other action taken pursuant to this Article.

Sec. 6-22. Reserved.

Sec. 6-23. Reserved.

Sec. 6-24. Reserved.

Division 2 - Building Standards

Sec. 6-25. Adoption of standardized codes.

- (a) The City hereby adopts the following codes by reference, pursuant to 30-A M.R.S. § 3003:
 - 1. The Maine Uniform Building and Energy Code ("MUBEC"), as required by 10 M.R.S. § 9724; and
 - 2. The National Electric Code (2014) ("NEC").
- (b) MUBEC shall be enforced by the building authority, which shall be accomplished through inspections performed by the City building official and code enforcement officers, pursuant to 25 M.R.S. § 2373.
- (c) The NEC shall be enforced by the building authority.

Sec. 6-26. Electrical permits.

In addition to the other permitting provisions of this Article, the following shall also apply to electrical permits:

- (a) No electrical permit shall be issued unless the applicant holds a valid master electrician's license, or a limited or special license for the particular work to be installed, issued by the State of Maine.
- (b) Notwithstanding subsection (a) above, a person who does not hold a master electrician's license or limited or special license may obtain an electrical permit and do limited electrical work, so long as:
 - 1. The permit is for, and the work will be completed on, a single-family residence that the applicant owns and resides in;
 - 2. The applicant does not connect wires into any service panel; and
 - 3. The applicant does not install, relocate, disconnect, or disturb in any way the main service entrance to the residence.
- (c) Electrical permits are not transferable, and the permitted work must be completed by, or under the supervision of, the permittee.
- (d) An electrical permit shall expire if work authorized by such permit is not substantially commenced within ninety (90) days from date of issue of the permit; or if the work authorized by such permit is suspended or abandoned for a period of one hundred twenty (120) days.
- (e) Any person, after having been issued a permit, shall correct any defective work within forty-eight (48) hours after notification by the building authority. If such corrective work is not accomplished within such time period, no other permits shall be issued to the applicant until same has been accomplished.

Sec. 6-27. Electrical requirements.

In addition to the standards in the NEC, the following provisions shall also apply to electrical installations:

- (a) Services installed on brick, masonry metal, or block buildings shall be in rigid conduit. No "service entrance cable" shall be allowed in these applications.

- (b) All direct burial service conductors installed from the utility company transformer pads and/or poles to supply residential occupancies shall be installed in schedule forty (40) PVC conduit, minimum size two and one-half (2 1/2) inches).

Sec. 6-28. Electrical inspections.

- (a) The building authority shall have the right during reasonable hours to enter any premises, building, or other place, in the discharge of his or her official duties, for the purpose of making any inspection, reinspection, or test of electrical wiring, devices, appliances, and equipment.
- (b) No person may cover or conceal, or cause to be covered or concealed, any wiring or other electrical work for which a permit has been issued or is required, before the wiring or work has been inspected or approved by the building authority.
- (c) When a closing-in inspection is called for, all wall cases, boxes, etc. will be made ready for devices or fixtures by insuring that all necessary pig-tailing and bonding will be done, and that all neutral and bonding wires in panels will be made up before calling for inspection.
- (d) The building authority shall have the authority to reject any work that is not completed in accordance with any permit or applicable code, or in a workmanlike and safe manner.

Sec. 6-29. Burner installation.

In addition to the permitting requirements pursuant to this Article, any person who installs or services oil burner equipment must have a license from the Maine Fuel Board. Any alterations, installations, addition of controls, or other work on oil burners must be done by a person having such a license.

Sec. 6-30. Demolition requirements

- (a) No demolition permit shall be issued unless and until:
 - 1. The applicant provides a certification by a

licensed specialist that:

- i. There is no friable asbestos material present,
 - ii. Such friable asbestos has been removed and disposed of in accordance with state and federal law, or
 - iii. Such friable asbestos will be removed in the course of the demolition in accordance with state and federal law, and also provides an acceptable plan for removal;
2. If the building or structure is located on an island, the applicant has provided an acceptable plan to remove the demolition debris from the island and dispose of it in accordance with state and federal law prior to the expiration of the permit;
- (b) A permit to demolish or remove a structure shall expire thirty (30) days after the date of its issuance, provided that, for good cause, the building official may extend the permit for periods of not more than fifteen (15) days.
- (c) The person to whom a permit is issued shall dampen or cause to be dampened all debris resulting from the demolition operation to the extent necessary to prevent dust therefrom circulating in the surrounding area.
- (d) The disposal of all demolition debris shall be in accordance with all state and federal law.
- (e) No demolition debris shall either be disposed of or stored on any of the islands.

ARTICLE V. HOUSING CODE

Sec. 6-106. Definitions.

. . .

Enforcement authority means and includes the building authority, ~~a housing safety official designated by the City manager, or his or her designee, and the health authority, and the director of planning and urban development.~~

. . .

~~*Licensed lodging facility*~~ shall mean the use of one or more rooms, without individual bathroom or kitchen facilities, used to provide sleeping accommodations for no more than two persons, and which are available for use by the public for a fee and which are occupied, regardless of the duration of the occupancy, in the absence of a written lease. ~~*Licensed lodging facility*~~ does not including the following:

- (a) Sleeping accommodations, whether provided by a business or non-profit organization, where the owner or manager of such an operation routinely provides:
 - 1. Daily maid service;
 - 2. Replacement of linens and towels as demanded by guests of the establishment; and
 - 3. A centralized telephone system.
- (b) Any establishment licensed by the Maine Department of Human Services to provide health care under the direction of duly licensed health care professionals.
- (c) Dormitories, including dwelling units converted to licensed use, operated by educational institutions authorized to confer degrees.
- (d) Sleeping accommodations provided to graduate medical students under the auspices of the accreditation council on graduate medical education or a similar entity.

Sec. 6-116. Minimum standards for safety.

. . .

(f) When the health or building authority or ~~a housing safety official designated by the city manager his or her designee~~ determines that a dwelling contains friable asbestos material in an amount and/or location which presents an unacceptable health hazard to the occupants and/or the general public, the owner of the dwelling, upon notification from the health or building authority or ~~a housing safety official designated by the city manager his or her designee~~ shall remove that material or encapsulate it. Removal or encapsulation shall be conducted in accordance with all applicable federal, state and local laws and regulations.

Sec. 6-117. Inspections.

The health or building authority or ~~a housing safety official designated by the city manager his or her designee~~, upon showing proper identification, shall have the right to enter at any and all reasonable times into or upon any dwelling or dwelling premises within the city for the purpose of inspecting the dwelling or dwelling premises in order to determine compliance with the provisions of this article and for the purpose of examining and inspecting any work performed under the provisions of this article, and it shall be a violation of this article for any person to interfere with or prevent such inspection.

Sec. 6-118. Notices.

When any violation is found to exist within the meaning of this article, the health or building authority or ~~a housing safety official designated by the city manager his or her designee~~ shall give the owner, operator or occupant, or both a written order or notice which shall set forth the violation and shall contain a reasonable time limit for the correction thereof.

Sec. 6-119. Reinspections.

After the expiration of the time for correction of a violation, the health or building authority or ~~a housing safety official designated by the city manager his or her designee~~ shall make a reinspection of the premises, and if the violation has not been

corrected and no appeal is pending as hereinafter provided, such authority may make such further order as he deems advisable or he may proceed to take legal action against the person liable for such violation.

Sec. 6-120. Properties unfit for human habitation; and posted against occupancy.

Any dwelling, dwelling unit, rooming house, rooming unit, or any structure or portion thereof being used for human habitation which is in violation of the provisions of this article to the extent that it is unfit for human habitation according to the standards contained herein or other applicable standards may be condemned for habitation and posted against occupancy by the building authority or ~~a housing safety official designated by the city manager~~his or her designee. Property unfit for human habitation shall include but not be limited to:

. . .

Sec. 6-121. Notice of condemnation and posting; order to vacate.

The building authority or ~~a housing safety official designated by the city manager~~his or her designee shall give notice in writing to the property owner or operator of such condemnation and posting, and in the event such property is occupied, he or she shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.

Sec. 6-122. Property not to be occupied again for habitation.

No property which has been condemned and posted against occupancy shall again be used for the purpose of habitation until the building authority or ~~a housing safety official designated by the city manager~~his or her designee shall in writing approve of its use and shall likewise authorize the removal of the posted notice.

Sec. 6-123. 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 building authority or ~~a housing safety official designated by the~~

~~city manager~~his or her designee, and it shall also be a violation of this article for any person to occupy or let to another for occupancy any property which has been condemned and posted as provided above without receiving the prior approval of the building authority or ~~a housing safety official designated by the city manager~~his or her designee.

Sec. 6-124. Property to be secured if not improved.

If the owner or operator of any property which has been condemned as unfit for habitation does not proceed to make the necessary corrections to bring the property into compliance with the provisions of this article, 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. If the City takes steps to make the property safe and secure, the City shall also collect an administrative fee, as set forth in the schedule adopted pursuant to section 6-16.

Sec. 6-125. 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 building authority or ~~a housing safety official designated by the city manager~~his or her designee 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 building authority or ~~a housing safety official designated by the city manager~~his or her designee in writing of the intent to so transfer either by delivering the notice to the building authority or ~~a housing safety official designated by the city manager~~his or her designee and receiving a receipt therefor 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 building authority or ~~a housing safety official designated by the city manager~~his or her designee.

Sec. 6-127. Appeals.

An appeal from any final decision of the building authority or ~~a housing safety official designated by the city manager~~his or her designee, if available by statute or otherwise by law, under the provisions of this article may be taken by an aggrieved party to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Sec. 6-129. Exception for island properties.

The building authority or ~~a housing safety official designated by the city manager~~his or her designee may permit the use of buildings located on the islands for dwelling purposes which do not meet the minimum standards set forth in this article when he or she finds that it is not feasible or practicable to provide such minimum standards and the health, safety or general welfare of the occupants or the public will not be adversely affected.

Sec. 6-130. Violations.

~~Any person violating any of the provisions of this article or failing or neglecting or refusing to obey any order or notice of the building authority or a housing safety official designated by the city manager issued hereunder shall be subject to a penalty as provided in section 6-1.~~

(a) Any owner, occupant, or operator of a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in section 6-2 of this Chapter and 30-A M.R.S. § 4452 if that person does any of the following:

1. Violates a provision of this Article, or any codes adopted pursuant to this Article;
2. Allows a violation to occur or remain at any building, structure, or premises that he or she owns, occupies, or controls; or
3. Fails to comply with any lawful order issued pursuant to this Article.

(b) The imposition of a penalty for a violation does not excuse that violation or allow it to continue.

(NEW) Sec. 6-131. Enforcement.

In addition to the remedies otherwise provided, the following specific remedies shall also be available:

(a) Where any building, structure, or property is required to be secured by this article, the enforcement authority may secure the building and charge the owner, occupant, and/or operator a penalty of \$500, plus reimbursement of the actual costs of securing where:

1. Where the owner, occupant, and/or operator has been given notice of the requirement to secure and has failed to do so within a reasonable time; or
2. The building, structure, or property poses an imminent threat to the public if not secured before notice and an opportunity to correct can be given.

(b) The enforcement authority 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 this article.

Sec. 6-132. ~~Licensed~~ Lodging facility.

(a) Statement of policy. The intent of this section is to provide tenant-at-will status to residents of ~~licensed~~ lodging facilities, as defined in section 6-106, after they have resided in a unit for thirty (30) days or more. Such ~~licensed~~ lodging facilities offers sleeping accommodations but few other amenities, and residents of such housing in the past have been subjected to summary eviction procedures by landlords who purposefully characterize their rentals as "lodging houses" and thereby purport to act under state law in ejecting occupants without any recourse, regardless of the length of residency.

(b) ~~License~~ Registration required for ~~licensed~~ lodging facilities. No person, firm, corporation or other entity shall offer or provide ~~licensed~~ lodging facilities, as that term is defined in section 6-106, without having ~~obtained a license to do so~~ registered pursuant to Article VI.

~~(c) Licensing procedure.~~

- ~~1. The licensing procedure shall be that established in chapter 15, licenses and permits, except as modified herein.~~
 - ~~2. The license application shall be accompanied by a diagram showing the location of all rooms situated within the building or structure which is the subject of the application, including, but not limited to, the location of rooms providing sleeping accommodations, bathrooms, and kitchens.~~
- ~~(d) Licensing fee. The license fee shall be ten dollars (\$10.00) for each unit of licensed lodging and shall be renewable annually. In the renewal application, the owner shall identify occupants who have qualified as constructive tenants at will pursuant to the provisions of subsection (f) below during the previous year.~~
- ~~(e)~~ (c) Application to buildings or structures with three or more units. The requirements of this section shall apply to buildings or structures containing three (3) or more lodging facility units ~~of licensed lodging~~.
- ~~(f)~~ (d) Constructive "tenant at will" status after 30 day occupancy. Any person who has occupied a licensed lodging facility unit situated at the same building or structure for thirty (30) consecutive days and has paid rent for that thirty (30) day period will be deemed to have achieved the status of a tenant at will as of the 30th day and may not thereafter be evicted except in accordance with the requirements of Maine's Forcible Entry and Detainer Law (14 M.R.S.A. § 6001, et seq.)
- ~~(g)~~ (e) Termination of owner's interest.
1. Upon termination of an owner's interest in any building or structure operating as a lodging facility, providing licensed lodging, whether by sale, assignment, death, appointment of a receiver or otherwise, the owner shall advise the successor in title, the City of Portland and all occupants of licensed lodging who have qualified under subsection (d) above of the status of such occupants, which shall be binding upon the successor in title as though it were the owner when the status was achieved.

2. Notice to the City of Portland shall be addressed to:

Housing Safety Office
Portland City Hall
389 Congress Street
Portland, ME 04101

~~(h)~~(f) Owner's responsibility. The owner shall remain liable to the occupants qualified under subsection (~~eg~~) above until the notice required by that section has been provided.

[New] Sec. 6-133. Habitation of Recreational Shelters.

- (a) For purposes of this section, "recreational shelter" means any building, structure, vehicle, trailer, or other enclosure used or intended for human habitation that does not meet the standards set forth in Articles II through IV of this Chapter, or the State of Maine Manufactured Housing Act. This includes, but is not limited to, RVs, motor homes, campers, camp or truck trailers, tents, shelters, and structures on trailers capable of being towed by a consumer vehicle.
- (b) A recreational shelter may not be occupied as living quarters, unless it meets all of the following requirements:
- i. The recreational shelter is a vehicle or trailer eligible for registration under Title 29-A, Chapter 5 of the Maine Revised Statutes;
 - ii. The recreational shelter is fully inspected, registered and ready for highway use, except that a moveable recreational shelter that does not move under its own power may be temporarily disconnected from the vehicle used to haul it, only for the time period contained in subsection (b)(vii) below;
 - iii. The recreational shelter meets all of the applicable fire and life safety requirements;
 - iv. The recreational shelter is weathertight, watertight, vermin proof, structurally sound and in good repair;
 - v. The use of the recreational shelter, and its connection to utilities, if any, complies with all

other applicable sanitary, electrical, fire, and life safety requirements of this Code;

vi. The recreational shelter is located entirely on residential property and is used solely by residents of that residential property or guests of those residents;

vii. The recreational shelter, or space for the recreational shelter, is not rented or let;

viii. The recreational shelter is not occupied as living quarters anywhere within the City of Portland for more than 21 days in any one year period; and

ix. No more than one occupied recreational shelter may be located on a single parcel or lot at a time.

SCHEDULE OF FEES
CITY OF PORTLAND CODE OF ORDINANCES, CHAPTER 6, ARTICLE II
BUILDING, PLUMBING, ELECTRICAL, AND RELATED FEES

COST OF WORK PERMIT FEES:

Air conditioning unit	First \$1,000 cost of work: \$30.00 Each additional \$1,000 cost of work: \$10.00
Change of use	
Commercial hoods and cooking appliances	
Demolition	
Fire alarm and sprinkler system	
Heating system	
Metalsbestos chimney installation	
Moving a building	
Oil and gas burner replacement	
Projects not otherwise listed	First \$1,000 cost of work: \$25.00 Each additional \$1,000 cost of work: \$10.00
Permit application amendment	First \$1,000 cost of work: \$25.00 Each additional \$1,000 cost of work: \$15.00

ELECTRICAL PERMIT FEES (in lieu of cost of work)

Minimum fee (in lieu of individual fees, where greater):	
• Residential	\$45.00
• Commercial	\$55.00
Air conditioners	
• Central unit (each)	\$10.00
• Window units	\$3.00
Alterations to existing wiring	\$5.00
Circuses, carnivals, fairs, etc.	\$25.00
Emergency lighting, battery units (each)	\$1.00
Fire and burglar alarm systems	
• Residential	\$5.00
• Commercial or industrial	\$15.00
Generator	\$20.00
Interior transformers	
• 0-25 kva (each)	\$5.00
• 25kva – 200kva (each)	\$8.00
• More than 200 kva (each)	\$10.00
Motors (each)	\$2.00
Outside lighting and signs	\$10.00
Receptacles, switches, fixtures (each)	\$0.20
Repairs after fire	\$15.00
Residential heating	

Appendix B-Schedule of Fees

• Electric units (each)	\$1.00
• Oil or gas (each)	\$5.00
Signs, interior	\$5.00
Smoke detection outlet (each)	\$0.20
Services, meters (each)	\$1.00
• 1 and 3 phase through 800 amp	\$15.00
• 800 amp and larger	\$25.00
• Branch circuit panels (each)	\$4.00
Swimming pools (each)	\$10.00

PLUMBING PERMIT FEES (in lieu of cost of work)

Plumbing inspection fee (in addition to permit fees)	\$10.00
Internal plumbing	1-3 fixtures: \$24.00 Each additional fixture: \$6.00
Septic system:	
• Non-engineered	\$100.00
• Primitive disposal system (including one alternative toilet)	\$100.00
• Engineered	\$200.00
• Separate laundry disposal field	\$35.00
• Seasonal conversion	\$50.00
Septic components:	
• Treatment tank (non-engineered system)	\$80.00
• Treatment tank (engineered system)	\$100.00
• Holding tank	\$20.00
• Alternative toilet	\$20.00
• Disposal field (non-engineered system)	\$75.00
• Disposal field (engineered system)	\$150.00
• Other system components	\$20.00
Variance (in addition to permit fees)	\$20.00

OTHER PERMIT FEES (in lieu of cost of work)

Food truck on private property	\$30.00
Home occupation (in addition to any work permit)	\$150.00
Parking lot	\$100.00
Signs	Base fee: \$30.00 Add'l fee per sq. ft. of signage: \$2.00
Subdivision	Base fee: \$500.00 Add'l fee per lot or dwelling unit: \$25.00
Tank (propane, gasoline, fuel oil):	

Appendix B-Schedule of Fees

• Installation under 300 gallons • Installation over 300 gallons • Removal	\$30.00 \$35.00 \$30.00
Tent use	\$30.00

ADMINISTRATIVE FEES (in addition to permit fees)

Certificate of Occupancy inspection	\$100.00
Missed scheduled inspection	\$150.00
Stop work order removal: • Projects with cost of work up to \$10,000.00, where no work is completed during stop work order • Projects with cost of work up to \$10,000.00, where work is completed in violation of stop work order • Projects with cost of work greater than \$10,000.00, where no work is completed during stop work order • Projects with cost of work greater than \$10,000.00, where work is completed during duration of stop work order	\$150.00 \$300.00¹ \$1,000.00 \$2,000.00¹
Reinspections: ¹ • First • Second • Third and subsequent	\$150.00 \$300.00 \$500.00
City secures building	\$500.00 plus costs, including material and labor

¹ The payment of the fee to remove the stop work order in these circumstances shall not excuse the violation, nor shall it prevent the City from seeking additional civil penalties for the violation.

² After initial failed scheduled inspection for permit or compliance OR after initial reinspection after a notice of violation.

APPENDIX C

Building Permit Refund Policy

I. Purpose

To establish the authority for refunding building permit fees and setting the limits of such refunds.

II. Procedure

A. Fees for permits issued by the Permitting and Inspections Department are eligible for partial refund only under the following circumstances:

1. The permittee requests a refund in writing and provides cause why the permit is no longer required;
2. The permit was not an Internal Plumbing & Subsurface Wastewater Disposal System permit;
3. The permit was issued no more than 180 days prior to the refund request; and
4. Construction has not commenced under the permit.

B. Permit fees are eligible for partial refund in the following amounts:

1. No refunds will be made for permit fees of \$25.00 or less;
2. Refunds will be made for permits that require review by Permit Technicians only in the full amount of the permit fee, less 10% of that fee, or \$25.00, whichever is greater;
3. Refunds will be made for permits that require review by Permit Technicians and Zoning Staff only in the full amount of the permit fee, less 25% of that fee, or \$50.00, whichever is greater; and
4. Refunds will be made for permits that require review by a Plan Reviewer in the full amount of the permit fee, less 50% of that fee, or \$100.00, whichever is greater.

C. All refunds will be recorded through the Department's accounting software.

III. Reservation of Authority

The Director of Permitting and Inspections Department reserves the authority to amend, modify, or change this policy with 30 days' notice.

Chapter 6

Sec. 6-17. Fee Schedule.

Ten (10) percent of any fee, or ten dollars (\$10.00), whichever is greater, shall be non-refundable to cover the administrative costs. (Ord. No.76-10/11, 11-15-10; Ord. No. 54-

4. Enforcement and penalty. Any person who violates this section must be penalized in accordance with section 4452. The municipality or the department may seek to enjoin violations of this section.

[2007, c. 695, Pt. A, §35 (AMD) .]

5. Permit fees. The following permit fees may be charged.

A. A plumbing permit fee not to exceed \$10 per internal fixture may be charged. [2009, c. 589, §9 (AMD).]

B. [1999, c. 228, §3 (RP).]

C. A minimum fee, not to exceed \$40, may be charged for all internal plumbing permits combined. [2009, c. 589, §9 (AMD).]

D. A nonengineered subsurface wastewater disposal system fee not to exceed \$250 may be charged, and a surcharge of \$15 must be charged. The surcharge must be paid by the municipality to the Treasurer of State, who shall credit the amount to the Water Quality Improvement Fund established under Title 38, section 424-B. [2009, c. 589, §9 (AMD).]

CHAPTER 1

Sec. 1-15. General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not less than one hundredfifty dollars (\$~~105~~0.00) nor more than five hundred dollars (\$500.00) for each offense. Wherever a minimum fine is established in this Code, it shall be deemed a sum certain for each alleged offense in any action brought to enforce this Code. Whenever in this Code a minimum but no maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum of money exceeding the minimum fine or penalty so fixed, ~~but not exceeding the sum of one hundred dollars (\$100.00)~~. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(b) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the corporation counsel may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense.

(c) In addition to the penalties provided in subsection (a), the city is authorized to institute, or cause to be instituted by the corporation counsel, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Code~~may enjoin or abate any violation of this Code by appropriate action.~~

Chapter 4 AMUSEMENTS*

[NEW] Sec. 4-19. Standards for denial.

In addition to the provisions of chapter 15, a license under this Article shall be denied to the following persons:

1. To a corporation if any principal officer thereof or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction within the immediately preceding five (5) years; or
- 1.2. To an applicant, other than a corporation, if such applicant or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction within the immediately preceding five (5) years.

Sec. 4-27. Notice and hearing.

The ~~Department of~~ Permitting and Inspections ~~Department~~ shall conduct a public hearing with respect to the grant of any original license issued under this division.

Sec. 4-51. Required.

(a) No person licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city. The license required by this subsection and state law authorizes entertainment only during the hours when state law permits the sale of alcohol for consumption on the premises.

(b) After-hours entertainment shall require a separate license as provided in this division subject to the following restrictions and requirements:

- (1) Operations under such separate license shall end at 3:00 a.m.
- (2) Establishments that have a liquor license shall limit attendance to individuals who are at least 21 years old. Establishments that do not have a liquor license shall limit attendance to individuals who are at least 18 years old.
- (3) Any applicant for an after-hours entertainment license shall meet with the police department for review of the security plan and a site visit before the license is brought before the city council.
- (4) The license shall allow no more than twenty-four (24) after hour events per calendar year.
- (5) In addition to the after-hours license, at least seven (7) days in advance of each event, the license holder shall deliver a written notice to the ~~Department of~~ Permitting and Inspections Department during normal business hours specifying the date upon which the event will be held. The ~~Department of~~ Permitting and Inspections Department will forward the notice immediately to the police department, track the number and frequency of events per licensee per calendar month and inform a licensee if an event is not allowed.

(c) *Exceptions:* Upon application for a license for a single event, the council may allow after hours entertainment to take place after 3:00 a.m. for a public purpose and may permit individuals under the age of 21 to attend the event, subject to such conditions, if any, that the council imposes to protect the public health, safety and welfare. Any events permitted under this paragraph will not count as one of the twenty-four events per year allowed by section (b)(4) above.

(d) No person shall conduct, maintain or operate a dance hall, ~~a single dance, or~~ a concert hall ~~or a single concert~~, as defined in section 4-42 of this code, without a license.

(f) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on private property, where greater than 100 attendees are anticipated, or where alcohol will be consumed, without a license.

(e) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on public property without a license from the Parks, Recreation, and Facilities Department.

Sec. 4-81. Applications and fees.

Applications for a state license to conduct beano or a game of chance shall be deemed sufficient applications for the purpose of chapter 15 if accompanied by the fees prescribed therein. Upon compliance with this article and chapter 15, the ~~Department of~~ Permitting and Inspections Department shall signify the consent of the city council to such application.

Chapter 5 ANIMALS AND FOWL*

~~Sec. 5-401. Permit required.~~

~~—— (a) An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.~~

~~—— (b) The fee for an annual permit to keep chickens is twenty-five dollars (\$26.00).~~

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

CHAPTER 10

Sec. 10-18. Amendments.

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- (A) License from ~~city clerk~~Permitting and Inspections Department—required, see: Private and Special Laws of 1917, Chapter 160.
- (B) Imposed by state statutes.
- (C) Building permit required.
- (D) Application and license issued through ~~City Clerk's~~Permitting and Inspections Department—office after Fire Department review.

Chapter 11 FOOD AND FOOD HANDLERS*

ARTICLE I. IN GENERAL

Sec. 11-2. Copies on file with the ~~Department of~~ Permitting and Inspections Department.

Pursuant to Title 30-A M.R.S.A. §3003, at least three (3) copies of the Maine State Food Code as adopted by reference by Section 11-1 above, have been and shall be on file in the office of the ~~Department of~~ Permitting and Inspections Department~~for~~ for public inspection and use.

ARTICLE II. FOOD SERVICE ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 11-4. Amendments.

The Maine State Food Code 2013: Food Code adopted by section 11-1 is amended and modified in the following respects.

(a) Section 1.201.10.B shall be amended as follows:

Approved shall mean acceptable to the city health inspector as meeting the requirements of this article and conforming to good public health practices.

Food service establishment shall include any permanent, temporary or mobile establishment including any restaurant; caterer; innholder; buffet; lunchroom; grill room; lunch counter; tavern; dining room of a hotel; coffee shop; cafeteria; sandwich shop; soda fountain; in plant feeding establishment; private club; church feeding facility; school feeding facility; institutional feeding establishment; tea room; theater refreshment stand; grocery store; meat market; retail bakery store; delicatessen; bottle club; commissary; shelter; food pantry; or any other establishment where food or drink is prepared, served, kept, or stored for retail sale on-site. This definition shall not include as food service establishments private homes with permanent guests.

Imminent health hazard means a significant threat or

danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on: (a) The number of potential injuries, and (b) The nature, severity, and duration of the anticipated injury. Imminent Health Hazard includes, but is not limited to, the following: (1) an extended loss of water supply, (2) an extended power outage, (3) flood water or sewer back-up into the establishment, (4) fire, (5) a lack of hot water (minimum temperature of 100F for handwashing and 110F for warewashing) or (6) any other violation(s) that has/have the potential to pose an imminent threat to public health. Maine Food Code October 2013 Page 11 Failure to include other violations in this definition shall not be construed as a determination that other violations may not, in light of the circumstances, be found to pose an imminent health hazard.

Temporary food service establishment shall mean any food service establishment which operates for a temporary period of time in connection with a fair, carnival, circus, public exhibition or similar transitory gathering. There shall be two (2) types of temporary food service establishment licenses: one (1) shall be for those establishments that sell unopened prepackaged food, with a license period not to exceed three (3) months, and the other license shall be for establishments that sell or serve either food that is not prepackaged or prepackaged food that is opened prior to its sale, including the opening of one (1) or more prepackaged items for the purpose of providing free samples, with a license period not to exceed ~~two (2) weeks~~fourteen (14) days per transitory gathering.

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Sec. 11-10. Certified Food Protection Managers.

- (a) A food service establishment must have at least one employee granted supervisory and management responsibility designated a Certified Food Protection Manager (CFPM) as defined in Section 1.201.10.B of Maine State Food Code 2013: Food Code adopted in

Section 11-1, above. Proof of CFPM certification is required as follows:

1. Prior to the issuance of any new license required by Chapter 15;
 2. Prior to the renewal of any license required by Chapter 15.
 3. Within 60 days of the date when a CFPM leaves employment;
 4. At the time of any inspection by the City's Health Inspector.
- (b) Proof of compliance with the requirements of this section shall be provided to the City Food Inspector. Prior to the issuance of any license required by Chapter 15, the City Food Inspector must certify to the ~~Department of~~ Permitting and Inspections Department that the requirements of this Section have been met. Failure to provide proof of compliance with the requirements of this Section will be subject to a denial, suspension or revocation of a license in accordance with the provisions of Chapter 15. In addition to license suspension or revocation, violations of subsection 11-10(a)(3)& (4), above, shall result in a penalty to the violator of \$150.00.

Sec. 11-11. Ice cream trucks.

All ice cream trucks shall comply with the following:

- (a) *General regulations.* All ice cream trucks shall comply with all requirements of section 11-35, including the requirements for a base station, and all other requirements of this article except those relating to toilet facilities, in addition to the requirements set forth in this section.
- (b) *Permitted sales locations.* Ice cream trucks shall be limited to sales on or from public rights-of-way in city parks where vending is allowed or in residential zones only, where such public rights-of-way have a posted speed limit of twenty-five (25) miles per hour or less.
- (c) *Sales prohibited.* No ice cream truck shall stop at any time for the purpose of making sales if such stop is located within five hundred (500) feet of a licensed food service establishment.

- (d) *Length of stop.* No ice cream truck shall stop on a public right-of-way in a residential zone for more than fifteen (15) minutes. An ice cream truck shall operate its four-way flashers whenever stopped.
- (e) *Manner of stops.* Ice cream trucks shall pull over to the side of the public right-of-way as far as practicable when stopping for the purpose of selling. In no event shall an ice cream truck stop for the purpose of selling if such a stop prevents the passage of other motor vehicles on the public right-of-way.
- (f) *Hours of operation.* Ice cream trucks shall only operate from 11:00 a.m. until 8:00 p.m.
- (g) *License, insurance required.* Each ice cream truck shall be required to be separately licensed under this article and to provide to the ~~Department of~~ Permitting and Inspections Department evidence of public liability insurance in an amount of not less than four hundred thousand dollars (\$400,000.00) as amended, with the city named as an additional insured on the policy.
- (h) *Cost of licenses and expiration date.* The cost of a license for an ice cream truck and base station and the expiration date for such licenses shall be the same as those established in section 15-13 for a mobile food service establishment license and a base station license. Each base station shall be required to have one (1) base station license, even if more than one (1) truck utilizes the same base station.
- (i) *Passengers prohibited.* No ice cream truck shall carry any passenger not employed by or related to the license holder or driver.

Sec. 11-12. Stationary food vending unit.

A stationary food vending unit shall be subject to the following regulations:

- (a) Only nonalcoholic beverages and prepackaged foods shall be sold from a stationary food vending unit, and there shall be no cooking in or near the unit.
- (b) An applicant for a stationary food vending unit license

shall provide the ~~Department of~~ Permitting and Inspections Department, in addition to any other information required by chapter 15, with acceptable proof of ownership or control of the property upon which the unit will be located. Such proof shall consist of a deed, lease or other written agreement.

- (c) An applicant for a stationary food vending unit license shall submit the following information for review by the health authority:
 - 1. A plan for waste disposal;
 - 2. A plan for disposal of liquid waste, which shall not be allowed to run into the ground; and
 - 3. A plan for provision of restrooms for employees;
 - 4. The precise location and manner of proposed or existing electrical hookups, which must be done by a licensed master electrician, or the type and location of other proposed or existing power sources.
- (d) No stationary food vending unit shall be located within sixty-five (65) feet of any other licensed food establishment, including street vending units and mobile food service units.
- (e) The fees and the expiration date for a stationary food vending unit license shall be the same as those established in chapter 15 of this Code for mobile food service establishments, except that no base station or fee for a base station shall be required.
- (f) The location of any stationary food vending unit shall be subject to the applicable requirements of articles III and V of chapter 14 of this Code.

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Sec. 11-14. Penalties Reinspection Fees.

Following the issuance of a failed inspection notice and an order to correct violations, the health inspector will reinspect the premises at a fee of seventy five dollars (\$75.00); if the

follow-up inspection results in another failed inspection, the violator will be charged a second re-inspection fee of one hundred fifty dollars (\$150.00). If the third reinspection results in a failed inspection, the third and each subsequent follow-up reinspection will result in a three hundred dollar (\$300.00) per reinspection charge. In addition, upon the third failed reinspection, the health inspector may order the establishment closed until the establishment yields a passing inspection.

The requirements set forth in this section shall apply to the entire chapter.

(NEW) Sec. 11-15. Violations.

- (a) Any person who owns or operates a food service establishment, or other entity subject to the provisions of this chapter, shall be guilty of an offense and subject to the penalties and remedies provided in section 1-15 of this Code, if that person does any of the following:
 - 1. Violates a provision of this chapter, or any codes adopted pursuant to this chapter;
 - 2. Allows a violation to occur or remain after notice; or
 - 3. Fails to comply with any lawful order issued pursuant to this chapter.
- (b) The imposition of a penalty for a violation does not excuse that violation or allow it to continue.

DIVISION 2. LICENSE*

Sec. 11-22. License Required.

No person shall operate any food service establishment within the city unless licensed to do so by the city. Applications for licenses for a food service establishment, other than a temporary food service establishment, must be submitted at least thirty (30) calendar days before operations are planned to commence.

[AT1]Applications for licenses for a temporary food service establishment must be submitted at least seven (7) business days before operations are planned to commence.

. . .

Sec. 11-25. Suspensions and revocations.

Licenses shall be suspended or revoked pursuant to chapter 15, except that a license which has been suspended may be reinstated by the ~~Department of~~ Permitting and Inspections Department upon application, in writing, from the holder if the health inspector certifies to the ~~Department of~~ Permitting and Inspections Department that he or she has reinspected the premises and the condition for which the suspension was imposed has been corrected.

CHAPTER 12

Sec. 12-27. Enforcement.

It shall be the duty of the chief of police or public works authority or their duly authorized representatives to cause the enforcement of the provisions of this article relating to city streets or public property and to prosecute any and all persons violating any such provisions. The chief of police or the public works authority 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 to carry out this duty.

It shall be the duty of the chief of police or the building authority, or their duly authorized representatives to cause the enforcement of the provisions of this article relating to private property and to prosecute any and all persons violating any such provisions. The chief of police or the building authority 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 to carry out this duty.

The owner of, and any person having responsibility for, property abutting a city street or sidewalk or esplanade where waste material has been deposited shall be presumed to have deposited same and shall be liable for violations of this article relating to city streets or public property in the absence of evidence to the contrary. Notwithstanding the aforesaid, any owner of and/or any person having responsibility for property abutting a city street or sidewalk or esplanade where any garbage or waste material has been deposited in violation of this article shall cause it to be removed within twenty-four (24) hours of the posting or notification of an order of removal, whichever occurs first, issued by the chief of police or the public works authority or their duly authorized representatives. Oral notice shall only be provided to those persons who have registered their ownership or management interest pursuant to section 6-151 of this Code. Failure to remove such waste within the time specified shall be a violation of this article.

If the waste material has not been removed within twenty four (24) hours of the posting or notification of an order of removal, whichever occurs first, the public works authority shall arrange to have the waste material removed and shall provide written notice of such removal to the owner of record. The owner of record shall be responsible for the fees for collecting and disposing of the waste material as described in section 12-28 of this article, in addition to the penalties imposed by Section 12- 30.

Sec. 12-109. Licensing of commercial refuse collectors and refuse transporters.

No person shall collect or transport Portland waste within the corporate limits of the City of Portland without obtaining a license from the public works authority upon payment of such fees as the council may prescribe by order or without being a party to a waste hauling agreement with RWS, or the City, or paying the tonnage fee imposed by section 12-109.1, for disposal of Portland waste collected or transported by the person. Such license shall be issued for the fiscal year and shall be subject to the provisions of chapter 15 of this Code, except that the public works authority shall be substituted for the ~~Department of~~ Permitting and Inspections Department in all instances.

If a hauler chooses to execute an agreement with the City, that agreement shall be in the same form provided to haulers by the City on or about April 17, 2003 or any amended form mutually agreed to by all parties.

Sec. 12-202. Conditions precedent to issuance.

Prior to the issuance of any license to construct or operate a rendering facility, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the ~~Department of~~ Permitting and Inspections ~~Department~~ a performance bond, a clear letter of credit, or deposit the cash equivalent thereof, in an amount not less than twenty-five thousand dollars (\$25,000.00) or such amount as the council at the time of licensing may determine, payable to the City of Portland, to cover the reasonable costs and expenses incurred by the city in cleaning any rendering facility upon the facility's temporary or permanent closure, said bond or cash equivalent to remain in effect throughout the period for which the license is issued.

CHAPTER 15

Sec. 15-2. Applicability.

(a) It is the sense of the city council that, to the extent practical, licensing procedures within the city should be uniform, and should be conducted at all times so as to give the maximum degree of protection to the licensee consistent with protection of the public health, safety and welfare. To that end, this chapter shall apply to all licenses and permits issuable by the city through the ~~Department of~~ Permitting and Inspections Department, and all licenses and permits issued by the state to which the city council have a right or duty to offer recommendations, comments, or to consent, set forth in this Code. Notwithstanding the aforesaid, any more stringent licensing or other requirement of this Code which is not inconsistent with this chapter, shall be deemed to be an additional requirement of this chapter.

(b) Notwithstanding the foregoing, the director of waterfront and transportation facilities, or his or her authorized designee, shall be responsible for licensing of taxicabs and liveries under article II of chapter 30, and all references herein to the ~~Department of~~ Permitting and Inspections Department shall be to the said director in regard to such licensing under article II of chapter 30.

Sec. 15-3. License required.

(a) No person shall engage in, operate any business, or use or permit the use of any device for which one (1) or more licenses are required by this Code or permit others operating under such licenses to act, without having obtained each and every such license required therein and shall not operate or use such license or device during any time that the applicable license has been suspended or after revocation as provided herein.

(b) A license may be issued pending receipt of the criminal history report from the State Bureau of Identification for pawnbrokers, junk dealers, secondhand dealers and flea markets as defined in Section 23-16, provided that the ~~Department of~~ Permitting and Inspections Department has received all other documentation required for the issuance of such license and a copy of the applicant's criminal history record from the Portland Police Department, which criminal history record does not contain a disqualifying criminal conviction. If, after issuance of the

license, the ~~Department of~~ Permitting and Inspections Department receives a criminal history report from the State Bureau of Identification that contains disqualifying information, the ~~Department of~~ Permitting and Inspections Department shall immediately move to suspend or revoke the license pursuant to Chapter 15 Section 15-8(a)(6) of the City Code.

(c) Any person engaged in, or operating any business or activity, or who uses or permits the use of any device for which a license is required, shall procure a license for each and every such business activity, device or location of each activity or device unless this Code specifically provides to the contrary.

(d) Every license shall be exhibited in a conspicuous place on the premises, device or vehicle at all times that the premises, device, or vehicle is open to the public.

Sec. 15-4. Licensing authority.

(a) All licenses shall be issued, denied, suspended or revoked and all hearings shall be held by the ~~Department of~~ Permitting and Inspections Department except as expressly provided in this Code. The ~~Department of~~ Permitting and Inspections Department is authorized to notify the state licensing division of bureau of alcoholic beverages that the city council consent to the extension of existing state liquor licenses to city licensees pending the next meeting of the city council.

Sec. 15-5. Applications.

(a) All applications shall be made in writing on a form provided by the ~~Department of~~ Permitting and Inspections Department. Each application submitted to the ~~Department of~~ Permitting and Inspections Department shall state the name and business address of each applicant, the license desired, location to be used, if any, the date of the application, and such additional information as may be deemed necessary or useful by the ~~Department of~~ Permitting and Inspections Department in determining whether such permit or license applied for should be issued.

(b) Other papers:

(1) Any application for a license for which a criminal conviction is a disqualification under this Code shall

be accompanied by a written waiver of the applicant's right to privacy or confidentiality under the State Criminal History Records Act [16 M.R.S.A. § 611 et seq.] and otherwise to the extent necessary for the ~~Department of~~ Permitting and Inspections Department, acting through the chief of police, to determine whether or not such disqualification exists.

- (2) If the applicant is other than a natural person, the names of all principal officers shall accompany the original application.
- (3) A statement to the fact that no employee or officer of the city is beneficially interested in the license or licenses, or in lieu thereof, a statement of the names of such employees or officers as are beneficially interested.
- (4) In the case of a renewal, the licensee shall submit to the ~~Department of~~ Permitting and Inspections Department on a form provided by the ~~Department of~~ Permitting and Inspections Department, a certified ownership report for the previous twelve (12) month period. Such report, among other things, shall list the names of all persons, or groups of persons acting in concert who at any time during the period had an actual ownership interest.
- (5) Any organization claiming status as a bona fide nonprofit organization shall furnish sufficient evidence of such status.

Sec. 15-6. Fees.

(a) Application fees. Except as expressly provided, all applications for original licenses or for the consent of the city council, other than a flea market seller, temporary FSE or auction license, shall be accompanied by an administrative fee of thirty-five dollars (\$35.00) to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administrative fee of twenty-five dollars (\$25.00), except for a flea market seller to defray the cost of processing the application. ~~The latter shall be refundable if the application is denied.~~ In any case where notice by publication or mail is required, the applicant shall pay the

cost of publication and postage in advance. Application fees shall not be refundable.

(b) Appeals fee. Appeals from determinations of the ~~Department of~~ Permitting and Inspections Department shall be accompanied by a filing fee of twenty-five dollars (\$25.00) and the appellant shall also pay the full cost of publication and postage in advance, if such notice is required. For the purposes of this subsection, notice by publication shall be deemed to apply to the hearing on appeal whenever the requirement of publication would exist in the first instance. Appeals fees shall not be refundable except that, upon a successful appeal, the Permitting and Inspections Department shall credit the appeal fee toward the fee for issuance and shall refund any excess.

(c) Filing fees. Whenever any document, other than an application for any license, is required or permitted to be filed with the ~~Department of~~ Permitting and Inspections Department in connection with any license, and no fee for such filing is otherwise prescribed, the fee for filing such document shall be two dollars (\$2.00) for the first page, and one dollar (\$1.00) for each page thereafter. Filing fees shall not be refundable.

(d) Fees for issuance. Fees for issuance of licenses shall be as provided in section 15-12. Fees for issuance shall be refundable in the amounts, and under the conditions, as set forth in a policy adopted by the Permitting and Inspections Department.

(e) Late fees. An additional fee shall be charged for issuance of any license after expiration of the holder's prior license, unless the application for the renewal license was filed prior to such expiration. The additional fee for issuance or renewal of any license applied for after the applicant has commenced the activity, or has permitted the use of the device to be licensed prior to such issuance, shall be ten dollars (\$10.00) or five (5) percent per month of the fee for issuance, whichever is greater, but shall not exceed the fee specified in this chapter for issuance of that license. Late fees shall not be refundable.

(f) Proration. The fee for issuance of an original license, unless issued late as provided in subsection (e), and which is issuable on an annual basis, but which when issued will not give the licensee twelve (12) full months use prior to expiration, shall be reduced by ten (10) percent for each full month that licensee will not have the use of the license, but in no case shall the

license fee be reduced by more than fifty (50) percent. Notwithstanding the foregoing, there shall be no proration of the fee for excavators' licenses issued pursuant to chapter 25, article VII of this Code.

(g) Fees to be cumulative. Fees provided for in this section shall be deemed cumulative and shall be in addition to any other fee or fees required for the issuance of any permit under section 15-12. ~~Except as specifically provided, such fees shall not be waived, refunded or prorated, except that upon a successful appeal, Department of Permitting and Inspections shall credit the appeal fee toward the fee for issuance and shall refund any excess; and further, except that if, during the unexpired term of the license, a licensed activity is subsequently prohibited by amendment to this Code, the Department of Permitting and Inspections shall refund to the licensee a portion of the license fee in accordance with the formula for proration of fees set forth in section 15-6(f).~~ Where a maximum license fee is established by the state, the fees set by this chapter shall be deemed cumulative to the extent of such maximum fee.

(h) Refunds where activity subsequently prohibited. If, during the unexpired term of the license, a licensed activity is subsequently prohibited by amendment to this Code, the Permitting and Inspections Department shall refund to the licensee a portion of the license fee in accordance with the formula for proration of fees set forth in section 15-6(f).

Sec. 15-7. Investigation of applicant.

(a) Upon receipt of an application for any license or permit, other than a renewal application substantially identical to the original application, the ~~Department of~~ Permitting and Inspections ~~Department~~ shall inquire of other city departments, as appropriate, for comments as to whether a license may be granted consistently with the provisions of the laws and ordinances enforced by such departments. In all appropriate cases, the building authority shall verify that the premises to be used for the proposed activity comply with the building code, electrical code, plumbing code and zoning ordinance, and if applicable, state junkyard screening law; the health authority shall cause inspections to be made of the proposed location of any premises dispensing food or liquor; the fire chief shall cause inspection to be made for the purpose of determining if city ordinances, a

state law, or state regulations concerning fire and safety have been complied with; and if the license is not issuable to any class of persons, the police chief shall cause an investigation to be made of the principal officers or persons to be licensed. All such persons shall report to the ~~Department of~~ Permitting and Inspections Department in writing, and copies of any such report shall be deemed a public record.

(b) Whenever a criminal background check is done prior to issuance of a license, any cost of such background check which is charged to the City by another agency shall be added to the fees to be paid by the applicant.

Sec. 15-8. Standards for denial, suspension or revocation.

(a) *Grounds.* In addition to any other specific provision of this Code authorizing such action, a license or permit may be denied, suspended or revoked upon a determination of the existence of one (1) or more of the following grounds:

- (1) Failure to fully complete the application forms; knowingly making an incorrect statement of a material nature on such form; or failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable, or failure to pay any fee required hereunder;
- (2) The licensed activity, or persons on the premises for the purpose of participating in the licensed activity, or persons patronizing the licensed device have caused one (1) or more breaches of the peace; or
- (3) There is a clear danger that a breach of the peace will occur if the licensed activity is permitted; or
- (4) The licensed activity or persons patronizing the licensed premises will substantially and adversely affect the peace and quiet of the neighborhood, whether or not residential, or any substantial portion thereof;
- (5) The licensee has violated any provision of this Code in the course of the conduct of the activity or device for

which the license or licenses have been applied for, or have been issued; or

- (6) The occurrence of any event subsequent to issuance of the license which event would have been a basis for denial of the license shall be grounds for revocation thereof; or
 - (7) The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application.
- (b) *Hearings.*
- (1) Except as expressly provided in this Code, no license to which this chapter applies may be revoked or suspended without prior notice to the licensee, and after a hearing.
 - (2) In the case of the suspension or revocation of a license, a hearing shall be given to the licensee and a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included in the notice of hearing. Unexcused failure of licensee to appear at the hearing shall be deemed a waiver of the rights to said hearing.
 - (3) Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a license can be scheduled and a finding of probable cause for such suspension or revocation, ~~the Department of~~ Permitting and Inspections Department may suspend a license, pending hearing, effective upon the giving of actual notice to the licensee; provided that the ~~Department of~~ Permitting and Inspections Department shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint and to present evidence. The complainant shall also be notified of the hearing and given the opportunity to be heard.

- (4) All suspensions or revocations shall be upon substantial evidence and all hearings shall be conducted with substantial fairness and strict adherence to the rules of evidence shall not be required.
- (5) All hearings on suspension or revocation of licenses shall be held within thirty (30) days of delivery to licensee of the generalized statement of complaint.

(c) *Abandoned licenses.* The applicant shall pay the issuance fee and obtain any license from the ~~Department of~~ Permitting and Inspections Department within thirty (30) days after it has been approved by the ~~Department of~~ Permitting and Inspections Department. Upon failure to pay the issuance fee and obtain the license within said thirty-day period, the approval shall be void and the application deemed abandoned. For good cause shown, the ~~Department of~~ Permitting and Inspections Department may extend the thirty-day period provided such extension does not result in the issuance of the license being delayed more than one hundred eighty (180) days from its approval by the ~~Department of~~ Permitting and Inspections Department.

(Code 1968, § 901.8; Ord. No. 231-80, 12-22-80; Ord. No. 291-83, 12-5-83; Ord. No. 562-84, §§ 4, 5, 4-23-84; Ord. No. 196-88, 11-7-88; Ord. No. 165-15/16, 3-7-2016)

Sec. 15-9. Appeals.

(a) *Procedure.* An appeal to the city manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the ~~Department of~~ Permitting and Inspections Department by filing a notice of appeal and the prescribed fee with the city manager within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. Within two (2) business days of the filing of an appeal, the city manager shall designate himself or any agent or employee to act as hearing designee in the appeal. The hearing designee shall hear the appeal within ten (10) business days after the filing of the appeal and may affirm, reverse or modify the decision appealed from. The taking of an appeal shall not stay a decision appealed from, except that at the request of the licensee, the ~~Department of~~ Permitting and Inspections Department may stay the effective date of a suspension, revocation or denial of a renewal license upon a finding that the public is not likely to suffer any harm during the pendency of the appeal. In such case, the ~~Department of~~ Permitting and Inspections Department shall make a written finding of his or her decision in this regard and shall notify the appellant.

(b) *Scope of review.* On appeal, the hearing officer shall review the decision of the ~~Department of~~ Permitting and Inspections Department and any disciplinary action taken pursuant thereto to determine whether the decision was based upon substantial evidence and the disciplinary action taken was proportionate to the violation. The hearing officer may take additional evidence with respect to such decision or action and if additional testimony or evidence is taken shall determine the appeal upon all of the evidence, except as provided in this section.

(c) *Appeal to the superior court.* Any person aggrieved by a decision of a hearing officer on appeal may appeal therefrom to the superior court in accordance with the provisions of Maine Rule of Civil Procedure 80B.

Sec. 15-10. Notices of hearing.

(a) *Content.* Whenever a public hearing is required, the ~~Department of~~ Permitting and Inspections Department shall give notice of the time and place of the hearing, the type of license involved, and the nature of the hearing, and the address or location of the property involved.

(b) *Service.* Except as expressly provided, whenever notice by mail is required, such notice shall be mailed by regular United States mail at least ten (10) days in advance of the hearing date. When notice by publication is required, such notice shall be published in a newspaper of general circulation in the city at least once, not more than thirty (30), nor less than seven (7) days before the date of the hearing. Where notice to abutters is required, all owners or occupants of property within five hundred (500) feet of such parcel or tract shall be deemed to be abutters, and service shall be made by ordinary mail at least seven (7) days before the date of the hearing. In the case of abutters, the owners and occupants of property listed in the assessor's records on the last tax date prior thereto, shall be deemed to be the persons to whom notice is to be given. The ~~Department of~~ Permitting and Inspections Department shall take reasonable measures to notify renters in close proximity.

(c) *Notice requirements not mandatory.* Failure of any person other than the applicant or licensee to receive a notice of the public hearing shall not necessitate another hearing and shall not invalidate any action taken as a result thereof, except as otherwise expressly provided by law.

Sec. 15-11. License not to be transferable.

(a) No license shall be transferred to any person, to any location, or to any other vehicle or device, and no license fee shall be refunded if the licensed activity is ceased prior to the expiration of the license. All purported transfers not in accordance with this section are void. A license shall be deemed the subject of an attempted transfer whenever there is a sale of the business, vehicle or device, or where there is a change in actual ownership interest. Upon any such event, the licensee shall immediately surrender the license to the ~~Department of~~ Permitting and Inspections Department; except that, in the case of death, bankruptcy or receivership of any licensee, the duly appointed executor or administrator of the deceased licensee or the duly appointed trustee or receiver of the bankrupted licensee or licensee receivership may retain the license and operate under the same for the benefit of the estate with the written permission and approval of the ~~Department of~~ Permitting and Inspections Department until such time as such operation is no longer needed to benefit the estate. Thereafter, such personal representatives, receivers, or trustees shall either return the license to the ~~Department of~~ Permitting and Inspections Department or transfer same to any other person, under order of the court having

jurisdiction and upon written notice to the ~~Department of~~ Permitting and Inspections Department. In the interim, between the death of the licensee and the appointment of an executor or administrator, or in cases where no administration of the estate of a deceased licensee is contemplated, the widow or widower or person designated by all of the heirs of the deceased licensee may take over the license upon written notice to the ~~Department of~~ Permitting and Inspections Department. Duly appointed and qualified guardians and conservators of the estate of a licensee may retain the license of their ward during the term of office upon written notice to the ~~Department of~~ Permitting and Inspections Department.

(b) In all cases arising out of this section in which the ~~Department of~~ Permitting and Inspections Department is required to determine the identity or composition of or ownership interests in an applicant or licensee, or to determine whether a transfer of an ownership interest in an applicant or licensee has taken place, he shall look to the substance rather than the form of transactions and any person aggrieved may appeal the ~~Department of~~ Permitting and Inspections Department's determination to the city manager.

Sec. 15-12. Fees and expiration dates

(a) Unless specified elsewhere in this Code, fees for licenses issued pursuant to this Code and the expiration date of each license shall be as follows:

Location in Code	Description	Fee	Expiration Date
Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	\$895.00	June 30
Ch. 3, Art. III	Brewery, Winery and Distillery License (must obtain FSE and/or special entertainment if applicable)	\$500.00	Concurrent with state liquor license

Location in Code	Description	Fee	Expiration Date
Ch. 4, Art. II	Amusement devices:		
	Amusement devices (other than pinball and adult amusements), per device	\$146.00	Twelve months or concurrent with state liquor license or with any city license
	Pinball machines, per device	\$146.00	Twelve months or concurrent with state liquor license or with any city license
	Adult amusement devices, per location	\$931.00	Twelve months or concurrent with state liquor license or with any city license
Ch. 4, Art. III	Music, dancing and special entertainment:		

Location in Code	Description	Fee	Expiration Date
	Entertainment with dancing	\$504.00	Twelve months or concurrent with state liquor license or with any city license
	Entertainment without dancing	\$281.00	Twelve months or concurrent with state liquor license or with any city license
	After-hours Entertainment	\$567.00	Twelve months Or concurrent with state liquor license or with any city license
	Dance hall	\$140.00	June 30
	Concert hall	\$140.00	June 30
	Single dance <u>with alcohol or with greater than 100 attendees</u>	\$36.00	Per dance

Location in Code	Description	Fee	Expiration Date
	Single concert <u>with alcohol or with greater than 100 attendees</u>	\$36.00	Per concert
Ch. 4, Art. IV	Gaming:		
	Beano	\$99.00	December 31
	Games of chance (application fee pursuant to section 15-6 only)		
Ch. 4, Art. V	Nudity in licensed businesses	\$1,404.00	June 30
Ch. 11, Art. II	Food service establishments (FSE):		
	Temporary FSE:		
	Reinspection fee for FSE	\$75.00 per reinspection	
	a. Unopened prepackaged food	\$89.00	Three months
	b. Opened or nonprepackaged food	\$89.00	Per event not to exceed two weeks
	Mobile FSE (Chapter 19) a. pushcarts	\$307.00	March 31

Location in Code	Description	Fee	Expiration Date
	b. Food Trucks	\$520.00	March 31
	Street vendor cooler storage space - maximum of 7 sq. ft.	\$36.00 per 3.5 sq. ft. of space	March 31
	FSE-No food preparation on premises	\$172.00	January 31
	FSE-With preparation limited to hot beverages only	\$135.00	January 31
	FSE-With beer and wine take out	\$395.00	January 31
	FSE/Commissary - Food preparation on premises	\$437	January 31
	FSE's with liquor:		
	FSE-Class A lounge (Class X)	\$2,642.00	Concurrent with state liquor license
	FSE-Class A restaurant (Class I)	\$1,784.00	Concurrent with state liquor license
	FSE-Hotel (Class IA)		

Location in Code	Description	Fee	Expiration Date
	FSE-Class A restaurant/lounge (Class XI)	\$2,215.00	Concurrent with state liquor license
	FSE-Qualified catering service (Class I)	\$1,784.00	Concurrent with state liquor license
	Innholder-15 rooms or less	\$1,368.00	Concurrent with state liquor license
	Innholder-16 to 40 rooms	\$1,836.00	Concurrent with state liquor license
	Innholder-more than 40 rooms	\$2,132.00	Concurrent with state liquor license
	FSE-Spirituuous license (Class II)	\$582.00	Concurrent with state liquor license
	FSE-Vinous license (Class III)	\$390.00	Concurrent with state liquor license

Location in Code	Description	Fee	Expiration Date
	FSE-Malt license (Class IV)	\$785.00	Concurrent with state liquor license
	FSE-Malt and vinous license (Classes III and IV combined)	\$863.00	Concurrent with state liquor license
	FSE-Nonprofit club (Class IV with catering or Class V without catering)	\$702.00	Concurrent with state liquor license
	FSE-Liquor catering	\$31.00	Per event
	FSE-Temporary (bona fide nonprofit organization) with any spirituous, vinous or malt license and special entertainment	\$62.00	Per 2-day period
	FSE-Auditorium	\$556.00	Concurrent with State Liquor License
	FSE-Civic Auditorium	\$1,763	Concurrent with State Liquor License
Ch. 12, Art. VII	Operation of rendering facilities	250.00	September 30

Location in Code	Description	Fee	Expiration Date
Ch. 16	Massage establishment	\$62.00	September 30
	Combined massage establishment/massage therapist	\$52.00	
	Massage therapist	\$36.00	
	Conditional massage therapist	\$36.00	
Ch. 19, Art. II	Night Street Vendor (must also obtain FSE and street vendor)	\$208.00	
Ch. 19, Art. III	Transient sellers	\$104.00	December 31
Ch. 23, Art. II	Flea market seller	\$21.00	Last day of February
	Flea market Operator	\$52.00 \$234.00	Per day Annual/March 1st
	Secondhand dealer, junk dealer, pawnbroker ¹ (including used cars)	\$146.00	December 31
	Junk collector	\$25.00	December 31
Ch. 28, Art. IV	Wreckers and vehicle towing	\$265.00	June 30
Ch. 28, Art. VII	Valet Parking	\$ 2 6 0 . 0 0 p e r l o c a t i o n	Twelve months
	Valet Parking Special Event Permit	\$52.00	

¹ Reflects city practice for junk dealers and pawnbrokers.

Location in Code	Description	Fee	Expiration Date
Ch. 28, Art. VIII	Licensing of Booting of Motor Vehicles	\$100.00	October 31
Ch. 30, Art. II	Taxicabs and liveries:		
	Taxicab business license	300.00	April 30
	Livery business license	300.00	April 30
	Taxicab driver's license	75.00	April 30
	Taxi Replacement license	10.00	
	Livery driver's license	20.00	April 30
	Livery replacement license	10.00	
Ch. 30, Art. III	Horse-drawn cabs	200.00, plus 20.00 per driver	April 30
Ch. 30, Art. IV	Bicycle cabs	100.00, plus 20.00 per driver	January 31 April 30
Ch.30, Art. V	Tour companies	300.00, plus 30.00 per vehicle/operator operator	April 30

(b) Fees for licenses to be established by the city pursuant to state law shall be as follows:

Description	Fee	Expiration Date
Amusements, including images; pageantry; sleight of hand tricks; puppet shows; feats of balancing; wire dancing; personal agility; or dexterity	\$21.00	Per day
Billiards or pool, per table	\$31.00	Twelve months or concurrent with state liquor license or with any city license
Bowling alley, per establishment	\$88.00	April 30
Carnival (travelling amusement show)	\$114.00	Per day
Circus	\$172.00	Per day
Circus (bona fide nonprofit organization)	\$26.00	Per day
Going-out-of-business sale	\$99.00	--
Menageries	\$21.00	Per day
Merry-go-round or other rides, per type of ride	\$62.00	Per day
Merry-go-round or other rides, per type of ride	\$244.00	December 31
Motion picture theatres (other than open-air drive-in) operating more than six (6) months:		
Seating capacity 999 or less, per screen	\$281.00	June 30

Description	Fee	Expiration Date
Seating capacity 1,000 or more, per screen	\$463.00	June 30
Temporary--One (1) week or less	\$31.00	One week
Temporary--More than one (1) week but less than two (2) months	\$47.00	Two months
Temporary--More than two (2) months but less than six (6) months	\$73.00	Six months
Roller skating rink	\$156	June 30

Sec. 15-12.1. Waiver of fees.

The city council may, in its discretion, waive or reduce any fee required of any nonprofit organization where the council determines that the purpose of the licensed activity or the funds to be raised by the activity are of direct benefit to the citizens of the city. Additionally, the ~~Department of~~ Permitting and Inspections Department may waive or reduce the fee required of the nonprofit organization for a temporary food service establishment license when the organization demonstrates that it will retain 100 percent of the proceeds of the temporary sale of food.

Sec. 15-13. Supplementation of applications.

Whenever a license is in effect, the licensee shall be responsible for notifying the ~~Department of~~ Permitting and Inspections Department in writing of any material change in facts set forth in the application for any license held from the city within seven (7) days thereafter. Failure to comply with this requirement shall be a violation of this chapter.

Sec. 15-14. Violations.

In addition to any action which may be taken by the ~~Department of~~ Permitting and Inspections Department or the city council with respect to the suspension or revocation of a license:7

(a) V~~v~~iolation of this chapter, or of any licensing provisions of the city governed by this chapter, or of any rule made pursuant thereto shall be a civil violation subject to the penalties of section 1-15; and~~.~~

(b) The Permitting and Inspections Department 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 this article.

CHAPTER 16

Sec. 16-10. List of employees.

The therapeutic massage establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the chief of police, his or her authorized deputy, the [Department of Permitting and Inspections Department](#) upon request.

Sec. 16-13. Standards for denial.

In addition to the provisions of chapter 15, a license under this article shall be denied to the following persons:

(a) Therapeutic massage establishment license:

1. To a corporation not registered to do business in this state;
2. To a corporation if any principal officer thereof or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction within the immediately preceding five (5) years; or
3. To an applicant, other than a corporation, if such applicant or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction within the immediately preceding five (5) years.

(b) Massage therapist, combined massage establishment/massage therapist, or conditional massage therapist:

1. To an applicant who has been given a disqualifying criminal conviction at any time during the five (5) years immediately preceding application; or
2. To an applicant who is not at least eighteen (18) years of age.

The [Department of Permitting and Inspections Department](#) shall make and keep a written record of every decision to deny an application for any license hereunder.

Sec. 16-14. Grounds for suspension or revocation.

(a) All licenses. In addition to the grounds for revocation or suspension set forth in chapter 15 and section 16-13, any license may be suspended or revoked upon a determination that the licensee:

- (1) Failed to notify the [Department of Permitting and Inspections Department](#) of any change in material fact set forth in the application for such license; or
- (2) Violated any provision of this chapter or of chapter 15.

(b) Therapeutic massage establishment or combined establishment/therapist license. In addition to the provisions of subsection (a), either a massage establishment license or combined

establishment/therapist license may be suspended or revoked upon a determination that the licensee:

- (1) Permitted any person to perform therapeutic massage without a valid license to do so;
- (2) Permitted or allowed an employee, massage therapist or conditional massage therapist to violate any provision of this chapter on the premises of the establishment or in the course of conduct of the business of the establishment; or
- (3) Knowingly permitted any violation of Title 17-A M.R.S.A. Sections 851 through 855. Such knowledge shall be presumed if there have been two (2) or more convictions for any such offense within any one-year period. The applicant or licensee may rebut such presumption by showing that due diligence was exercised to prevent the recurrence of any such offense and, despite such diligence, he or she did not know and could not reasonably have known of any subsequent offense.

Sec. 16-15. Application for therapeutic massage establishment, combined massage establishment/massage therapist and massage therapist licenses.

Any person desiring a license pursuant to this chapter shall file a written, signed application with the city clerk on a form to be furnished by the ~~Department of~~ Permitting and Inspections ~~Department~~. An application for a combined massage establishment/massage therapist license, a massage therapist license or a conditional massage therapist license shall be accompanied by two (2) front face photographs of the applicant taken within thirty (30) days of application, of such size as the ~~Department of~~ Permitting and Inspections ~~Department~~ may specify.

Sec. 16-21. Penalty.

The violation of any provision of this chapter shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Permitting and Inspections Department 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 this Chapter~~city may enjoin or abate any violation of this chapter by appropriate action.~~

Chapter 30 VEHICLES FOR HIRE*

ARTICLE II. TAXICABS; LIVERIES*

Sec. 30-35. Fees.

Fees shall be as provided under chapter 15., ~~except that a portion of the issuance fee (prorated on a weekly basis) shall be refunded upon surrender of the license if the licensee dies, or becomes permanently disabled, from conducting the taxicab business or driving a taxicab or livery vehicle.~~

ARTICLE III. HORSE-DRAWN CABS

DIVISION 1. GENERALLY

Sec. 30-39. Definitions.

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

Director means the designee of the city manager.

Horse-drawn cab means any horse-drawn vehicle used for the transportation of passengers for hire.

License inspector means and includes any person designated by the director to perform inspections of taxicabs.

Street, way, or public place means any street, way, trail, path, promenade, park, plaza, square, or other public property, or any portion thereof.

To operate means to drive, or to cause or permit another to drive.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-40. Exemptions.

This article shall not apply to the following:

- (a) Horse-drawn cabs operated by or in conjunction with the sponsor of any street festival, celebration, or other special event authorized by the city council;
- (b) Horse-drawn cabs operated for destination service only, by private prearrangement, in conjunction with special or ceremonial occasions, such as weddings or official visits.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 1, 5-7-84)

Sec. 30-41. General licensing provisions to apply.

Except to the extent that this article contains a contrary provision, all general licensing provisions of chapter 15 shall apply to this chapter.

(Ord. No. 509-84, § 1, 4-2-84)

DIVISION 2. LICENSES

Sec. 30-42. Required.

No person shall operate a horse-drawn cab on any street or way or in any public place without a horse-drawn cab license. A separate license shall be required for each such vehicle.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-43. Applications.

In addition to the general provisions of chapter 15 relating to the contents of applications, applications for horse-drawn cab licenses shall contain the following:

- (a) A complete listing of all operators to be employed by or associated with the applicant, giving their full names, ages, and present addresses, ~~and including a complete statement of their health and physical conditions;~~
- (b) A complete record of disqualifying criminal convictions, if any, for all operators to be employed by or associated with the applicant, and for the applicant, or if the applicant is other than an individual, for each principal officer of the applicant; and
- (c) A detailed description of each horse, vehicle, and other equipment to be used by the applicant, including a

photograph of each such horse and the plans and specifications of each such vehicle, a veterinarian's certificate of health for such horse, and the address or location at which each such horse and vehicle is to be kept or stored while not in service.

(Ord. No. 509-84, § 1, 4-2-84)

~~Sec. 30-44. Licensing authority.~~

~~Notwithstanding any provisions of chapter 15 to the contrary, the director of waterfront and transportation facilities, or his her designee, (referred to hereafter as the "director") shall be the licensing authority for horse-drawn cab licenses.~~
~~(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 173-05/06, 3-6-06)~~

Sec. 30-45. Conditions precedent to issuance.

Prior to the issuance of any horse-drawn cab license, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the director the following:

- (a) A certificate issued by the license inspector that the vehicle to be licensed and all operators thereof comply with the rules made under authority of this article by the director; and
- (b) An insurance policy covering the term of the license and executed by an insurance company authorized to issue such policies in this state in the usual form of vehicle liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the vehicle to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in an amount of not less than three hundred thousand dollars (\$300,000.00) combined single limit, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the director. Such certificate shall state that the issuing agent shall notify the director in writing no less than thirty (30) days prior to the cancellation thereof.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 2, 5-7-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-46. Denial, suspension, or revocation.

In addition to the general provisions of chapter 15 relating to the grounds for denial, suspension, or revocation of licenses, a horse-drawn cab license may be denied, suspended, or revoked on any of the following grounds:

- (a) The applicant or licensee or any operator is less than eighteen (18) years of age or has had a disqualifying criminal conviction ~~at any time within the immediately preceding five (5) years;~~
 - (b) Charging more than the fare established by this article;
 - (c) Disobeying any order or direction of the city traffic engineer, the license inspector, or any police officer;
or
 - (d) Causing or permitting any violation of this article or chapter 25.
- (Ord. No. 509-84, § 1, 4-2-84)

DIVISION 3. OPERATING REQUIREMENTS

Sec. 30-47. For sight-seeing only; fixed routes; no stopping.

No licensed horse-drawn cab shall be operated except for sight-seeing trips following a fixed route and beginning and ending at the same location. Such routes and locations shall be as designated and assigned from time to time by the city traffic engineer, who shall also have authority to erect appropriate signs or markers, and to impose such conditions on the use of such routes and locations as he deems proper, including limiting the same of such vehicles in operation on the same route or at the same location at any one (1) time, and restricting the days, times, or other circumstances of operation on any such route or at any such location. No such vehicle shall stop, stand, or park in any place while on route, to load or unload passengers or otherwise, except in obedience to traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-48. Not to obstruct traffic; police orders.

No licensed horse-drawn cab shall be operated in any manner which unreasonably or unnecessarily obstructs or impedes the free flow of vehicular or pedestrian traffic or otherwise endangers the

public safety. Any police officer, or the city traffic engineer, may at any time order the operator of any such vehicle to move along, pull over, make way, or temporarily discontinue the use of any such route or location, or any portion thereof, for the public safety or convenience.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-49. Traffic regulations to apply.

Except to the extent that this article contains a contrary provision, all traffic regulations of chapter 28, article III, shall apply to the operation of licensed horse-drawn cabs.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-50. Maximum fare; rate card to be displayed in vehicle.

The fare for any trip in any licensed horse-drawn cab shall not exceed five dollars (\$5.00) per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. A rate card to be issued by the director and bearing the following statement shall be displayed in the interior of each such vehicle so as to be clearly visible to all passengers at all times while such vehicle is in service:

PASSENGER INFORMATION

The maximum fare for any trip in this vehicle is \$5.00 per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. If you have questions or complaints about the fare you have been charged or the service you have received, please call ~~the director of waterfront and transportation facilities~~Business Licensing for the City of Portland (telephone: 874-~~85576900~~) (email: BL@portlandmaine.gov), or write to:

~~Director of Waterfront and Transportation Facilities~~Business Licensing
City of Portland
~~40 Commercial~~389 Congress Street
Portland, Maine 04101

Please include your name, address and telephone number to allow adequate follow-up by city.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 3, 5-7-84; Ord. No. 173-05/06, 4-6-06)

Sec. 30-51. Display of plate ~~and badge~~.

A plate, to be issued by the ~~director~~ Permitting and Inspections Department and bearing an identification number, shall be displayed in a conspicuous place on the exterior of each licensed horse-drawn cab at all times while in service. ~~A badge, to be issued by the director and identifying the wearer by number as a licensed operator of such vehicle, shall be worn prominently on his person by each such operator at all times while on duty.~~

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-52. Solicitation of business.

No person shall solicit business in any manner for any licensed horse-drawn cab while on route. Solicitation while standing shall include shouting, hollering, whistling, clapping, or making other loud noises, grabbing or otherwise annoying or harassing passersby, or any other conduct or commotion detrimental to the image or reputation of the trade or the public safety or convenience.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-53. Passengers to be seated and well-behaved.

No operator of any licensed horse-drawn cab shall load or admit more passengers at any one (1) time than may be fully seated in such vehicle. Every passenger in any such vehicle shall be and remain fully seated at all times while on route and shall refrain from any other conduct or behavior detrimental to the safety or comfort of passengers or others. No such operator shall refuse to transport any orderly person upon request.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 4, 5-7-84)

Sec. 30-54. Care and treatment of horses.

Every horse used in the operation of any licensed horse-drawn cab shall be well fed, watered, and neatly groomed at all times while in service. No person shall feed, water, or groom any such horse while on route. No person shall physically abuse or mistreat any such horse.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-55. Conduct and appearance of operators; rule-making authority.

Every operator of any licensed horse-drawn cab shall be courteous, well dressed, and neatly groomed at all times while on duty, and shall refrain from any loud argument, fight or disturbance, or any other conduct or behavior detrimental to the image or reputation of the trade or the safety or comfort of passengers or others. The director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the training and qualifications of such operators.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 5, 5-7-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-56. Design and appearance of vehicles; rule-making authority.

Every licensed horse-drawn cab shall be kept clean and neat in appearance at all times while in service. The director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the design and construction of such vehicles.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-57. Unsafe vehicles; inspections; ordering from service.

No licensed horse-drawn cab shall be operated at any time while unsafe, defective, or in disrepair. Any police officer, or the license inspector, may inspect any such vehicle at all reasonable times, while in service or otherwise, and may at any time order such vehicle to be removed from service or to remain out of service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon reinspection by such officer, or the license inspector, and a finding that such repair has been made or that such defect or unsafe condition has been corrected.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-58. Control of horses.

Every horse used in the operation of any licensed horse-drawn cab shall be kept under complete control by the operator of such vehicle at all times while in service and shall not be allowed to kick, run, race, rear up, or otherwise endanger the safety of passengers or others.

(Ord. No. 509-84, § 1, 4-2-84)

~~Sec. 30-59. Keeping of horses; storage of vehicles and equipment.~~

~~No horse, vehicle, or other equipment used in the operation of any licensed horse-drawn cab shall be kept or stored on any street or way or in any public place while not in service.~~

~~(Ord. No. 509-84, § 1, 4-2-84)~~

~~Sec. 30-60. Horse droppings.~~

~~Every operator of any licensed horse-drawn cab shall promptly remove all droppings left on any street or way or in any public place by any horse in his charge and shall directly dispose of same in a safe, lawful, and inoffensive manner. Suitable containers, shovels, and brooms shall be supplied by him and kept at hand at all times for such purposes.~~

~~(Ord. No. 509-84, § 1, 4-2-84)~~

ARTICLE IV. BICYCLE CABS*

Sec. 30-79. Licensing authority.

Notwithstanding any provision of chapter 15 to the contrary, the ~~director of waterfront and transportation facilities~~Permitting and Inspections Director, or his or her designee, (referred to hereafter as the "director") shall be the licensing authority for bicycle cab licenses.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Economic Development Committee (EDC)

cc: Jon Jennings, City Manager
Jeff Levine, Planning Director

FROM: Greg Mitchell, Economic Development Director

DATE: April 14, 2017

RE: **Mayor Strimling's Proposed Amendments to City of Portland Tax Increment Financing Policy**

The following materials have come in as you prepare for the April 18 public hearing to discuss the Mayor's proposed TIF Policy amendments:

1. Memorandum from City Manager Jon Jennings to the EDC of April 13, 2017;
2. Memorandum from Mayor Strimling to City Manager Jon Jennings of February 2, 2017, with its attachment "Cumberland County *HB* Prevailing Wage Rate" schedule;
3. "Cumberland County *B2* Prevailing Wage Rate" schedule referred to in Attachment 1 above;
4. Mayor Strimling's proposed Amendments to Portland TIF Policy adopted February 4, 2013 in redline version;
5. April 12, 2017 Letter from Ganneston Construction Corporation opposing the proposed TIF Policy Amendments; and,
6. Letter from Landry/French Construction Company received April 14, 2017, opposing the proposed TIF Policy Amendments.



Executive Department
Jon P. Jennings, City Manager

MEMORANDUM

TO: Economic Development Committee

cc: Greg Mitchell, Economic Development Director
Jeff Levine, Planning Director

FROM: Jon Jennings, City Manager

DATE: April 13, 2017

RE: Mayor Strimling's Proposed Amendments to City of Portland Tax Increment Financing Policy

This memorandum will provide my thoughts regarding Mayor Strimling's proposed Amendments to City of Portland Tax Increment Financing (TIF) Policy.

First, I feel it is important to clarify that the Proposed TIF Policy Amendments apply only to Credit Enhancement Agreements (CEAs) associated with City Council approved contracts to return a portion of future property tax revenue related to individual private sector projects. My concern is that the Proposed TIF Amendments, if approved, should not apply to City use of retained TIF revenue investments in future public infrastructure projects.

Second, I note that City Council approved TIF CEAs have supported investment in both affordable housing and commercial projects. I expect that the cost associated with implementation of the proposed Amendments, if approved, may result in the need for a greater level of financial support for individual projects or may result in fewer projects being done. This is of particular concern in regards to affordable housing development and the potential for CDBG and HOME funding cuts or program elimination under the current Federal administration. I have additional concerns regarding staff capacity to implement and provide oversight for these proposed Amendments.

Next, I note that the wage table attached to the Mayor's provided memo is for prevailing wage rates for heavy construction (HB). Most commercial office buildings or multi-family apartment building projects would fall under the B2 category as defined by the Maine Department of Labor.

In closing, I will follow the direction of the City Council but want to make clear that I do not recommend that the proposed TIF Policy Amendments under discussion apply to all future City of Portland public infrastructure expenditures. My concern relates to increasing the cost of future City public infrastructure investment which will increase the likelihood of future property tax increases.



Office of the Mayor, Ethan K. Strimling

MEMORANDUM

To: Jon Jennings, City Manager
cc: Greg Mitchell, Economic Development Director
From: Ethan K. Strimling, Mayor
Date: February 2, 2017
Re: Amendments to TIF Policy

As you know, the Council voted unanimously during our last Council session to refer to the Economic Development Committee a review of our Tax Increment Financing (TIF) Policy and consider issues like wages, hiring practices and job training as possible amendments (referral order and current TIF policy). Below is a brief outline of the provisions I'd like to see further explored and ultimately, in some fashion, incorporated into our TIF Policy.

State Prevailing Wage Requirement

The firm(s) utilized in the construction of the TIF-related project should pay all employees that it employs on the project the current wage rates and fringe benefits as required under applicable State prevailing wage law (attached) or our local city minimum wage law, whichever is greater. According to recent calculations by MIT, the living wage for a single mom or a single dad with one child in Cumberland County is \$23.37 per hour. While our unemployment rate is still relatively low, we must ensure the jobs that we are filling are not just a paycheck to make ends meet, but are good jobs that pay benefits and help forge a pathway to the middle class.

Local, Diverse, Disadvantaged and Veteran Hiring Preference

The firm(s) utilized in construction of TIF-related projects should make a priority of employing local, diverse, disadvantaged and veteran workers. We should make sure women and our immigrant community have the opportunities they need and deserve to work locally and provide for their families. We should give those struggling financially a hand up in our local economy by trying hard to provide them an opportunity to work hard and climb into the middle class. We should provide opportunities for veterans who served their country to find and keep gainful employment.

Apprenticeship/Job Training Program Requirement

The firm(s) utilized on the construction of TIF-related projects should participate in a bona fide job training or apprenticeship program for each separate trade or classification in which it employs employees and shall continue to participate in such program or programs for the duration of the

project. If we are going to ensure that the future of Portland stays strong, we need to train the next generation of workers so that they can live and thrive in the city they call home.

Rewards and Clawback Provisions

We should develop a system to reward companies that exceed any thresholds set by the above requirements. Likewise, the city should be able to revoke the TIF agreement and recoup any and all funds expended if the aforementioned requirements are not met.

MAINE BUREAU OF LABOR STANDARDS

Occupation Title	Wage	Benefit	2017 Total	Occupation Title	Wage	Benefit	Total
Backhoe Loader Operator	\$18.25	\$2.36	\$20.61	Ironworker - Ornamental	\$18.50	\$6.42	\$24.92
Boilermaker	\$20.88	\$8.35	\$29.23	Ironworker - Reinforcing	\$25.75	\$5.37	\$31.12
Boom Truck (Truck Crane) Operator	\$23.13	\$9.40	\$32.53	Ironworker - Structural	\$22.50	\$6.53	\$29.03
Bricklayer	\$23.09	\$2.65	\$25.74	Laborers (Incl. Helpers & Tenders)	\$17.25	\$3.62	\$20.87
Bulldozer Operator	\$20.55	\$3.83	\$24.38	Laborer - Skilled	\$18.00	\$3.51	\$21.51
Carpenter	\$24.31	\$3.61	\$27.92	Line Erector - Power/Cable Splicer	\$34.50	\$6.95	\$41.45
Carpenter - Rough	\$19.00	\$5.50	\$24.50	Loader Operator - Front-End	\$20.25	\$3.68	\$23.93
Cement Mason/Finisher	\$16.78	\$1.15	\$17.93	Mechanic- Maintenance	\$18.00	\$3.87	\$21.87
Communication Equip Installer	\$17.00	\$4.62	\$21.62	Mechanic- Refrigeration	\$22.83	\$4.22	\$27.05
Comm Transmission Erector-Microwave & C	\$21.25	\$3.02	\$24.27	Millwright	\$28.85	\$22.07	\$50.92
Crane Operator <15 Tons	\$19.50	\$7.23	\$26.73	Painter	\$20.00	\$2.41	\$22.41
Crane Operator =>15 Tons)	\$26.50	\$6.35	\$32.85	Paver Operator	\$19.25	\$1.45	\$20.70
Crusher Plant Operator	\$18.00	\$2.91	\$20.91	Pile Driver Operator	\$30.00	\$6.96	\$36.96
Diver	\$21.00	\$6.83	\$27.83	Pipe/Steam/Sprinkler Fitter	\$25.00	\$3.93	\$28.93
Driller - Rock	\$23.00	\$8.27	\$31.27	Pipelayer	\$20.00	\$2.85	\$22.85
Earth Auger Operator	\$22.97	\$5.41	\$28.38	Rigger	\$20.50	\$4.74	\$25.24
Electrician - Licensed	\$26.50	\$8.91	\$35.41	Roller Operator - Earth	\$18.01	\$0.39	\$18.40
Electrician Helper/Cable Puller (Licensed)	\$20.00	\$3.18	\$23.18	Roller Operator - Pavement	\$18.75	\$4.65	\$23.40
Excavator Operator	\$22.00	\$3.24	\$25.24	Sand/Water Blaster	\$14.25	\$5.70	\$19.95
Fence Setter	\$14.75	\$0.00	\$14.75	Truck Driver - Light	\$16.00	\$1.00	\$17.00
Grader/Scraper Operator	\$17.50	\$2.11	\$19.61	Truck Driver - Heavy	\$18.00	\$2.50	\$20.50
Hot Top Plant Operator	\$22.50	\$6.09	\$28.59	Truck Driver - Tractor Trailer	\$20.00	\$5.46	\$25.46

IMPORTANT INFORMATION: This Rate Sheet is published for reference only. A formal project specific determination is issued to the agency soliciting bids.

The Prevailing Wage rates are set for all 16 counties with 4 categories coded as follows:

- B1 = One or two family homes
- B2 = Other than one or two family homes
- HI = Highway and Earthwork
- HB = Heavy Construction and Bridge

MAINE DEPARTMENT OF LABOR STANDARDS

Minimum Minimum

Occupation Title	Wage	Benefit	Total
Asbestos/Lead Removal Worker	\$16.25	\$0.00	\$16.25
Assembler - Metal Building	\$17.75	\$0.00	\$17.75
Backhoe Loader Operator	\$18.25	\$2.36	\$20.61
Boom Truck (Truck Crane) Operator	\$19.50	\$2.65	\$22.15
Bricklayer	\$23.00	\$3.67	\$26.67
Bulldozer Operator	\$20.55	\$3.83	\$24.38
Carpenter	\$21.00	\$3.44	\$24.44
Carpenter - Acoustical	\$17.50	\$3.20	\$20.70
Carpenter - Rough	\$19.00	\$1.84	\$20.84
Cement Mason/Finisher	\$16.25	\$3.78	\$20.03
Communication Equip Installer	\$26.00	\$2.31	\$28.31
Concrete Mixing Plant Operator	\$15.00	\$1.44	\$16.44
Concrete Pump Operator	\$17.75	\$2.11	\$19.86
Crane Operator <15 Tons	\$21.25	\$4.52	\$25.77
Crane Operator =>15 Tons	\$25.65	\$6.76	\$32.41
Crusher Plant Operator	\$18.00	\$2.91	\$20.91
Driller - Rock	\$19.75	\$5.82	\$25.57
Dry-Wall Applicator	\$21.62	\$0.64	\$22.26
Dry-Wall Taper & Finisher	\$21.73	\$1.82	\$23.55
Electrician - Licensed	\$25.00	\$4.61	\$29.61
Electrician Helper/Cable Puller (Licensed)	\$16.00	\$2.83	\$18.83
Elevator Constructor/Installer	\$54.53	\$36.75	\$91.28
Excavator Operator	\$18.50	\$1.83	\$20.33
Fence Setter	\$14.75	\$0.00	\$14.75
Floor Layer	\$18.00	\$4.78	\$22.78
Furniture Installer/Assembler	\$14.00	\$0.99	\$14.99
Glazier	\$21.00	\$2.93	\$23.93
HVAC	\$26.00	\$3.82	\$29.82

2017 CUMBERLAND COUNTY *B2* PREVAILING WAGE RATE

Minimum Minimum

Occupation Title	Wage	Benefit	Total
Insulation Installer	\$19.50	\$2.43	\$21.93
Ironworker - Ornamental	\$24.00	\$3.42	\$27.42
Ironworker - Reinforcing	\$25.75	\$5.14	\$30.89
Ironworker - Structural	\$21.00	\$3.04	\$24.04
Laborers (Incl. Helpers & Tenders)	\$14.46	\$1.79	\$16.25
Laborer - Skilled	\$17.00	\$2.05	\$19.05
Loader Operator - Front-End	\$18.63	\$3.66	\$22.29
Mechanic- Maintenance	\$20.25	\$1.48	\$21.73
Mechanic- Refrigeration	\$21.69	\$4.21	\$25.90
Millwright	\$26.75	\$11.19	\$37.94
Oil/Fuel Burner Servicer & Installer (Licensed)	\$24.47	\$3.11	\$27.58
Painter	\$17.50	\$2.29	\$19.79
Paperhanger	\$19.00	\$5.33	\$24.33
Pipe/Steam/Sprinkler Fitter	\$22.50	\$3.78	\$26.28
Pipelayer	\$20.00	\$2.85	\$22.85
Plumber (Licensed)	\$25.75	\$3.95	\$29.70
Plumber Helper/Trainee (Licensed)	\$18.50	\$3.42	\$21.92
Propane & Natural Gas Servicer & Inst	\$25.88	\$3.92	\$29.80
Roofer	\$15.00	\$0.99	\$15.99
Sheet Metal Worker	\$20.50	\$1.68	\$22.18
Sider	\$17.50	\$1.60	\$19.10
Tile Setter	\$22.08	\$5.76	\$27.84
Truck Driver - Light	\$16.00	\$1.00	\$17.00
Truck Driver - Medium	\$17.00	\$1.91	\$18.91
Truck Driver - Heavy	\$14.50	\$1.44	\$15.94
Truck Driver - Tractor Trailer	\$17.00	\$2.57	\$19.57
Truck Driver - Mixer (Cement)	\$16.00	\$3.49	\$19.49

IMPORTANT INFORMATION: This Rate Sheet is published for reference only. A formal project specific determination is issued to the agency soliciting bids.

The Prevailing Wage rates are set for all 16 counties with 4 categories coded as follows:

- B1 = One or two family homes
- B2 = Other than one or two family homes
- HI = Highway and Earthwork
- HB = Heavy Construction and Bridge

PORTLAND TIF POLICY

February 4, 2013

PROPOSED AMENDMENTS 4.13.17

INTRODUCTION

Tax Increment Financing (TIF) is an economic development program authorized under state law to support municipal projects. The TIF program allows municipalities to provide financial assistance to local economic development projects and programs – from infrastructure, municipal economic development programs and staff, to business expansions - by using new property taxes that result from new commercial or residential investment associated with the corresponding increase in property value.

Portland TIF Policy supports investment in municipal economic development programs, infrastructure investment (which is generally through the establishment of area wide or neighborhood TIF districts) and individual project site specific TIF districts to support either infrastructure or individual private project financing needs.

The City is committed to invest in infrastructure located within the public rights-of-way that encourage economic development. Use of TIF investment to invest in infrastructure recognizes the savings which occurs through the TIF Program tax sheltering benefits.

“Infrastructure” is defined, but not limited to: traffic upgrades, public parking facilities, roadway improvements, lighting, sidewalks, water and sewer utilities, storm water management improvements and placing above ground overhead electric and telecommunications lines underground.

STATE TIF LIMITATION

There are acreage and value caps limitations for municipalities to establish TIF along with term limits. Term limits include bonds which may be issued for a maximum of 20 years (anticipation notes for three years). TIF districts may be designated for a maximum of 30 years.

PURPOSE

The primary purposes of the TIF Policy include:

1. To support Portland Economic Development and Housing Plans and Policies;
2. To stimulate expansion of the City’s commercial and industrial tax base;
3. To stimulate new affordable and market rate housing investment;
4. To retain and create quality employment;
5. To support Portland’s Capital Improvement Plan; and,

6. To establish standards upon which the City Council will authorize TIF.

GENERAL PRINCIPLES

The three primary general principles for the City Council to establish TIF districts include:

A. Investment

Minimum Real Property Investment. A minimum of \$1 million in new taxable investment property value for commercial and industrial development and \$500,000 for affordable housing development is needed to qualify for a TIF. This is the minimum amount which makes practical sense to consider use of the TIF program due to the amount of new municipal property tax revenue generated from new private investment.

B. Jobs Associated with Commercial and Industrial Development

Applicants for TIF participation will be required to provide a plan outlining the number and quality of jobs retained or created associated with each TIF district. While there is not a specific formula for the numbers of jobs associated with the amount of TIF financial assistance, the number and quality of the jobs will be taken into consideration for each TIF district. It is recognized that housing projects do not create many permanent jobs.

C. Maximize Tax Sheltering Benefits

A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy) and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. In other words, specific municipal shelter benefits, for the term of the TIF, include:

- 1) No reduction in State aid for education,
- 2) No reduction in municipal revenue sharing and
- 3) No increase in County taxes.

Annually, the Council Committee with jurisdiction over housing and community development and City Council will evaluate available TIF district capacity related to State acreage and value limitations to determine whether existing TIF districts need amending and/or new TIF district establishment. Scheduled public infrastructure investments

included in the City's Capital Improvement Plan will inform decisions about adjustments to existing TIF districts or establishment of new TIF districts.

APPROACH, POLICY, and TERM REQUIREMENTS

Must meet or exceed the below requirements.

A. Approach

There are three approaches to consider establishing TIF districts. They include:

- 1) ***Municipal Economic Development Programs funded directly through a pay-as-you-go approach.***

Examples of municipal economic development programs include paying for economic development staff, annual funding to Creative Portland for city marketing/branding, and other TIF law allowable activities.

- 2) ***Area wide TIF districts financed by City Bond/Debt Issuance***

Issuance of municipal general obligation bonds or limited obligation bonds is a mechanism that may be used to fund a TIF district program. Allowable uses are spelled out in state TIF law. Generally, municipalities will issue debt to cover the cost of infrastructure investment.

- 3) ***Individual Site Specific TIF districts utilizing Credit Enhancement Agreements (CEAs)***

A CEA is a contract between a municipality and developer to assist an individual development project by using a percentage or all of the tax revenue generated by the investment to pay certain authorized project costs which could include site specific infrastructure or private individual project financing needs. Allowable project costs are spelled out in state TIF law.

B. Policy for the Three Approaches

1. **Policy for Municipal Economic Development Programs.**

Requires annual review and City Council financial appropriations.

2. **Policy for Area wide TIF District Locations (for City Bond/Debt Issuance)**

- a) Area wide TIF will be established for infrastructure investment which has applications beyond one individual project.

b) City TIF emphasis will be placed upon the following general “Priority Revitalization Areas” to support commercial development, housing development, redevelopment, or to support buildings in need to redevelopment, address blight or historic preservation:

- Affordable housing projects off peninsula;
- India Street Neighborhood;
- Franklin Street Corridor from I-295 to Commercial Street;
- Riverside Street commercial and industrial zoned areas;
- Forest Avenue corridor from I-295 to Woodfords Corner;
- Washington Avenue corridor from Congress Street to I-295;
- Re-examine the boundary of Bayside TIF District;
- Examine establishing a Downtown TIF district in place of the Arts TIF District;
- Portland Technology Park ;
- Areas in which future significant wastewater and/or stormwater infrastructure investments are planned;
- West Commercial Street vacant property;
- Libbytown;
- St. Johns Street Valley;
- Other areas based upon scheduled public infrastructure investment included in the City’s Capital Improvement Plan.

The above list of general priority revitalization areas serve as guides to establish specific boundaries for TIF districts at time of district establishment.

c) Market Rate Housing. Market rate rental housing projects must be located in priority revitalization areas to stimulate housing investment for the purpose of attracting 24/7 pedestrian activity. Pursuant to State Law, TIF for condominium projects are not allowed.

d) Affordable Housing. Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis.

The relevant City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific AHTIF requests submitted by developers will be considered on a case-by-case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3

of the units must be for households at or below 120% of area median income which allows for individual mixed income projects or area wide affordable housing TIF districts.

Allowable uses of AHTIF revenues are defined by State law.

- e) City preference is to invest in area wide public infrastructure TIF districts versus establishing individual private site specific TIF districts.
- f) Area wide TIF districts also should seek to maximize the benefit of downtown and transit oriented development (TOD) districts which are exempt from State TIF law for acreage and value limitations.
- g) Terms for area wide TIF districts will be considered for up to 100% of new tax revenue and upwards of thirty (30) years, the maximum allowed by State law, due to the long-term need to invest in neighborhood infrastructure.

NOTE 1: As of this Amended TIF Policy date, there are three existing area wide TIF Districts, i.e., Bayside, Arts, and Waterfront TIF Districts.

NOTE 2: As of this Amended TIF Policy date, there also exists one Transit Oriented Development (TOD) District, namely the Thompson Point TOD TIF District to support new or expanded transit services and improved transit connections between the Portland Transportation Center, Jetport and Downtown.

3. Policy for Individual Site Specific TIF Districts Utilizing Credit Enhancement Agreements (CEAs)

- a) CEAs for individual site specific TIF districts will be considered for investment in infrastructure or project financing need and cannot be applied to any agreed upon public infrastructure improvements associated with a City Council approved conditional rezone agreement. Additional provisions related to CEAs include:
 - i) City Green Building Code

Compliance with the City's Green Building Code is required when TIF assistance is provided to individual private project CEAs.
 - ii) Affordable Housing

Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis. Developments are encouraged to promote economic diversity.

The City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific AHTIF requests submitted by developers will be considered on a case-by-case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3 of the units must be for households at or below 120% of area median income which allows for individual mixed income projects or area wide AHTIF districts.

Allowable uses of AHTIF revenues are defined by State law.

(iii) State Prevailing Wage Requirement

Any firms employed in the construction phase of a TIF-assisted project must compensate all employees the current wage rates and fringe benefits as required under applicable state prevailing wage law under 26 M.R.S.A. §1306, or Portland City Ordinance Ch. 33, §33-1 to 33-12, whichever is greater.

(iv) Local, Diverse and Veteran Hiring Preference

The firms employed in the construction phase of a TIF-assisted project must demonstrate and produce documentation that a cumulative total of 25% of the total construction-related work hours are performed by:

- Residents of the City of Portland
- Minority and women employees
- Veterans of the United States Armed Forces

Upon review and recommendation from the City Council Committee and approval by the full City Council, a waiver may be granted for TIF recipients that demonstrate a hardship related to this provision.

(v) Participation in Apprenticeship and/or Job Training Program

The firms employed in the construction phase of a TIF-assisted project must participate in a bona-fide job training or apprenticeship program for each separate trade or classification in which it employs employees and

must continue to participate in such program(s) for the duration of the construction phase of the TIF-assisted project. Apprenticeship programs registered and approved by the US Department of Labor and/or Maine Department of Labor would meet this requirement.

b) Applicants for CEA participation must demonstrate and pay the following:

i) Financial Necessity.

The applicant must demonstrate the City's participation is financially necessary in order for the project to proceed.

ii) Financial Capacity.

The applicant must demonstrate financial capacity to support their project.

iii) Fees

-- A financial underwriting analysis will be conducted by a third party on all projects requesting CEA participation. Applicants for CEA assistance will be responsible for reimbursing the City for all project third party legal and financial underwriting costs.

C. Terms for CEA Projects

1) Maximum Percentages.

A maximum average percentage of 65% for the entire term associated with individual project CEAs.

2) Maximum Number of Years.

Up to twenty (20) years to match individual private sector commercial financing terms. The term of a TIF may start upon agreed trigger event, such as an increased assessed value. This would be included in a CEA on that negotiated triggering event.

3) Use of Maine Services for CEA Projects Encouraged.

4) Clawback Provision

If it is determined by the City Council, based on their review of the "Post Construction Report to City Council" referenced in Section C of the Application and Administration Process, that the requirements of Section B(3)(a) of this policy are not met, the City Council shall direct the City Manager to terminate the TIF agreement and recoup any funds expended or allotted as a part of the CEA.

(5) Bonus Provision

The City Manager or his/her designee is empowered to develop a financial bonus system, not to exceed 2.5% of the total TIF assistance, for TIF recipients that exceed the requirements outlined in Section B(3)(a)(iv) of this policy.

TIF APPLICATION AND ADMINISTRATION PROCESS

A. Application Information and Contact.

The Economic Development Department handles all TIF inquiries and processes requests for TIF. An applicant must submit a letter to the Economic Development Department outlining the proposed project, including TIF project financial information, ~~along with~~ a plan outlining both the number of jobs associated with the proposed project, ~~as well as~~ a demonstrated ability to meet the requirements under Section B(3)(a) of this policy.

B. Approval Process.

There is a two step approval process which includes obtaining a recommendation from the City Council Committee and City Council approval. Two meetings (or readings) by the City Council are needed. The City Council vote on the TIF occurs at the second meeting.

C. Post-Construction Report to City Council.

The Economic Development Department shall provide a post-construction report to the City Council Committee and City Council regarding each TIF-assisted project which shall include, but not be limited to, an analysis of the adherence to Section B(3)(a) of this policy.

D. Annual Report to City Council.

The Economic Development Department shall provide annual reports to the City Council Committee and City Council regarding TIF district activity.

Ganneston

CONSTRUCTION CORP

April 12, 2017

Economic Development Committee
City of Portland
389 Congress Street
Portland, ME 04101

Re: City of Portland TIF Policy Changes Regarding Contractor Requirements

Dear Chair Brenerman and Respective Members of the Economic Development Committee:

I am writing this letter as a Maine Resident and Owner of Ganneston Construction. Ganneston Construction is designated as a woman-owned small disadvantaged business. Most recently, we have had the opportunity to build Bayside East Elderly Housing and Florence House in Portland, both Maine State Housing Projects.

I am very concerned about the impact of the proposed amendments to the City of Portland's TIF Policy.

While I believe in engaging local, ethnic, gender, economically disadvantaged and veteran diversity within the workforce, mandating that a company must meet these requirements is discrimination. When I hire workers I am not allowed to inquire if employees meet these preferences, it is unlawful!

Adherence to State or Federal Prevailing Wages has a serious impact on the cost of a project, especially Maine State Housing projects that are already facing challenges with outdated State construction cap indexes and tight financing deals. Many of these projects are already coming in over budget and there is not much to cut except the quality of materials and building systems, which in turn reduces the life cycles, operational costs and actual cost savings in the end. These increased costs could kill these projects altogether.

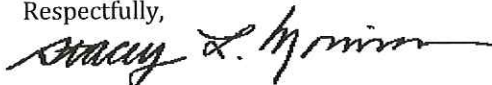
Requiring Participation in a Job Training or Apprenticeship Program is an insult to our High School Career and Technical Centers and Maine Community College System that is already producing skilled crafts people with certifications and degrees. In my company I choose to provide additional safety, supervisory and management training through a national construction curriculum used by our CTCs and Community Colleges. Why would the City of Portland mandate a specific pathway for training?

Overall, I strongly believe that these changes to the TIF would not benefit Maine businesses, but instead favor union contractors and organized labor. Is this the goal? Currently, only 4.7% of Maine's construction community works for a union company. Preferential treatment is discriminating against 95.3% of Maine's workforce. Work will be going to out of state union contractors, and so will their dollars!

Or is the goal to retain and keep quality employment for Mainers, stimulate spending in the Portland area and stimulate new and affordable market rate housing? The proposed changes to the TIF policy will not accomplish this; it will have the opposite effect!

Please feel free to contact me if you have any questions.

Respectfully,



Stacey L. Morrison
CEO and Owner

General Contractor – Construction Manager – Design Builder

3025 North Belfast Avenue – P.O. Box 27 – Augusta, Maine 04332-0027
Office: (207) 621-8505 Fax: (207) 621-8508 Website: www.gannestonconstruction.com



LANDRY/FRENCH CONSTRUCTION COMPANY

RECEIVED APR 14 REC'D
2017

Portland Economic Development Committee

Re: Amendments to the City of Portland TIF Policy

Committee Members:

As you are aware this language has surfaced at least four times in recent memory and has been disposed of each time. I think before passing anything you should ask yourself What problem are we trying to fix? I think after examination there is nothing that needs fixing!

I speak as a local commercial contractor that has completed many projects in the city of Portland and have several underway in Portland right now. Most recently Mr. Mitchell has been on one of our projects at Thompson's Point which was a TIF project. As I discussed with Mr. Mitchell and Mayor Strimling previously, there is a huge disincentive to builders to be involved with any project with this language. I know the administration is using this as a disincentive for individuals and companies to apply for TIF's because they dislike them. If the administration wants to admit it or not It's good for the city in the long term. There are portions of the amendments that are clearly being leveraged by organized labor and works to the advantage of organized labor. It should also be noted that in most cases the amendments will cost more to the applicants then the TIF will provide as would have been the case for Immucell.

I will try and address the areas of concern:

1. Local hire: as I remember this was to have a certain number of workers on the job from the city of Portland. That is just about impossible. We do not hire employees based on where they live but we do hire employees based on the position available and the qualifications of the applicants. Where they live, ethnicity and gender diversity to do enter into the equation. We currently employ 41 people and I am only aware of one that has a Portland address. The Mayor has said there are several Portland residents looking for work. I can first handedly say I disagree. I recently had a booth at a job fair that was organized with DHHS specifically to offer positions to residents (mostly Portland) interested in construction jobs and primarily from the disadvantaged sector. The traffic was very light and not one application at my booth was completed and of the few completed at other booths, none were qualified. The people in question, if they're out there, they are not looking for construction jobs. People currently have an employee base. Are we to add additional people to our payroll (or our subcontractors who work for us) so we can make a quota of Portland residents? The City of Portland does not meet this criteria for its own hiring practice. Double standard? This provision if enacted by other communities could prevent Portland workers from employment in other cities and towns.

100% EMPLOYEE OWNED

2. Ethnic and Gender Diversity. See number 1.
3. Economically Disadvantaged Participation. Not sure what this is referring to companies or individuals. If its referring to individuals see number 1.
4. Veteran Preference. If hiring, I do not see a problem with a Veteran preference if the individual is equally qualified.
5. Adherence to State or Federal Prevailing Wage. Most, if not all, contractors exceed the State prevailing wages. I am against Federal prevailing wage unless there is a funding source requirement to do so. It would definitely raise cost for the wages in most cases and is very labor intensive to administer.
6. Participation in a job training or apprenticeship program. All construction workers are required to have OSHA 10 hour training. I believe most if not all contractors already provide some form of other employee training as well. Many of us train by hiring instructors or sending our employees to training at ABC and AGC or other organized training as well as hiring workers and training them on site ourselves. I think the wording of this is critical to avoid making this a provision that 99% of contractors cannot achieve or be written so only union firms can meet the requirement. I would defer to the ABC to assist in crafting this language to insure the spirit of this provision is captured.

These amendments are bad for area contractors, businesses and Portland as a whole.

Landry/French Construction Company

Denis R Landry

President