

City of Portland, Maine
Public Safety/Health & Human Services Committee
September 8, 2015
5:30 PM
Room 209, City Hall

1. Review And Accept Minutes From July 7, 2015

Documents: [JULY 7 2015 MEETING MINUTES.PDF](#)

2. Housing Safety Office Update (Action Item)

Documents: [LL REGN FEE DISCOUNT MEMO.PDF](#), [LL REGN FEE OPTIONS TKB EDITS.PDF](#), [LANDLORD REGISTRATION FEE PROGRAM RESEARCH.PDF](#), [ORDINANCE CHANGE REGISTRATION FEE DISCOUNTS.PDF](#)

3. Smoking Ordinance Changes (Action Item)

Documents: [PSHHS CMTE 9-8-15 MEMO.PDF](#), [PRIVATE CLUB SMOKING DOCUMENTS.PDF](#), [CHAPTER 17- SMOKING IN PRIVATE CLUBS, CITY SQUARES AND PERMITTED EVENTS 9-8-15.PDF](#)

4. Municipal Fire Alarm System Update

Documents: [MEMO PSHHS EMERGENCY CALL BOXES.PDF](#), [SOUTH PORTLAND MIGRATION LETTER.PDF](#)

5. Quarterly Update, Mayor's Subcommittee On Substance Abuse

Documents: [HP ASSESSMENT SUMMARY FINAL_2.PDF](#), [SPF SIG LOGIC MODEL - HP FINAL_1.PDF](#)



Portland Police Department

**City of Portland, Maine
Public Safety / Health & Human Services Committee
July 7, 2015**

Meeting Minutes

Committee Attendance:

Chair Councilor Suslovic, Councilor Costa, Councilor Brenerman;
Councilor Duson

City Staff Attendance:

Michael Sauschuck, Acting City Manager; Anita LaChance,
Acting Deputy City Manager; Vernon Malloch, Acting Police
Chief; Adam Lee, Associate Corporation Counsel; Julie Sullivan,
Acting Chief of Staff; Dawn Stiles, Director of Health and Human
Services; Dave MacLean, Director of Social Services; Jerry
LaMoria, Fire Chief; Mike Bobinsky, Director of Public Services;
Kevin Austin, Fleet Manager of Public Services,

AGENDA ITEM 1 - Meeting Called to Order at 5:32pm

Chair Suslovic moved to accept minutes from the June 9, 2015 meeting. The motion was seconded and approved unanimously.

Agenda Item #2: Quality of Life Update

Acting Police Chief Vern Malloch provided an update regarding the City's quality of life status:

1. Cadet program: the Portland Police Department maintains a partnership with the Portland Downtown District who funds the cadet program. The expansion of the program has been very successful. Cadets have been asked to issue warnings to first time offenders instead of a summons and the department expects an increase in citations for repeat offenders later in the summer season.
2. Motorcycle Noise: the Police Department asks for voluntary compliance as a first measure of enforcement. AC Malloch explained the difficulty with enforcement related to timing of complaints and an officer's ability to distinguish an illegal vs. legal exhaust while either the officer or the motorcyclist is in transit. Recent laws now require state inspection stickers to be visible on the windshield of a motorcycle – this helps officers to know the motorcycle at least had a legal exhaust at the time of inspection and assists with enforcement.
3. Public Nuisance Calls: AC Malloch outlined that this designation of a call for service is initiated by residents. The numbers are low and AC Malloch noted that panhandling is much lower. Cadets and the footbeat officers are credited creating a presence in areas where panhandling complaints have been higher in the past. AC Malloch responded to councilor questions related to drinking in public. It has been noted that public nuisance calls for drinking in public are higher in the Bayside

area and in the Old Port. Chair Suslovic asked if an increase in the number of sworn officers would assist with these issues. AC Malloch said yes and Acting City Manager Sauschuck clarified that the underlying issue with these calls for service is a specific population that struggles with addiction to alcohol and illegal substances so while additional officers may help in specific areas, the population still suffers with addiction. Another short conversation was had about what constitutes a call for suspicious activity.

4. Graffiti: AC Malloch said the number of complaints regarding graffiti are up this year and noted that small groups or individuals with signature tags drive the change in numbers. Mike Bobinsky provided an update on what public works is doing to clean up graffiti in the summer months. 657 work orders had been received for some level of graffiti clean-up. See-click-fix has 40 open items to date related to graffiti. Public works continues its partnership with learning works to keep up with the summertime demand. The Acting City Manager complimented public works for doing so well to keep up with this demand.
5. Part 1 Crime: AC Malloch outlined that robberies are trending higher due to a recent spike on the West End and noted that increased patrols in the area seem to be effective. Councilor Brenerman asked if heroin addictions are responsible for increases in crime and the general response was yes. Councilor Suslovic brought up the media's question of whether or not Portland is safe. Acting City Manager Sauschuck said Portland is a safe place to live and work despite a recent spike in part 1 crime.
6. Street Artists: AC Malloch indicated there were no complaints about specific artists but that the PD's neighborhood prosecutor is working with Corporation Counsel on the licensing of tour guides. Adam Lee expanded on the issue and said staff is still looking into options.

Chair Suslovic mentioned backyard fire pits and asked Chief LaMoria about an ongoing civil complaint. The Chief followed up to say the fire department has responded to complaints and found the party involved in open burning to be in compliance at the time of inspection. Adam Lee expanded on the issue briefly.

Chair Suslovic followed up on noise issues and brought up the current decibel level that was changed in ordinance approximately 7 years ago and asked staff for an analysis of the current level in Portland vs. other comparable cities. Acting City Manager Sauschuck gave an overview of the history of noise issues and mediation and described the action of full Council that re-established the Sound Oversight Committee in February of this year to mediate conflict between parties should the level of complaints rise to the criteria (listed online) for the Sound Oversight Committee to meet. A short conversation was had regarding noise issues off the peninsula. Councilor Duson noted she is in support of mediation as a solution to noise issues.

Chair Suslovic asked staff if there were any recommendations to change ordinances at this time as they may relate to the quality of life in Portland. Staff had no recommendations at this time.

Agenda Item #4: Update on the Shelter Planning Task Force

Julie Sullivan provided an update (see back-up material) and reminded the committee that this task force is scheduled to provide an update at the September meeting and the task force would like to ask for another month or two to ensure they're thorough and accurate in their work. A short discussion was had about timing and the Chair said the committee preferred an October but November is OK if needed.

Councilor Duson asked how much of the \$2 million of state funds are coming to Portland. A clarification was made that money is going to the Milestone Foundation. She also questioned how being in compliance with the State's audit could effect shelter eligibility, the number of people in the shelter, and new GA eligibility. Acting City Manager Sauschuck said this information is going before the Council with regard to the details of the community support fund.

Councilor Costa wanted the task force to know the sale of the Hanover Street property was being discussed tomorrow at the HCDC meeting. It was brought up that the Chamber would be holding a meeting tomorrow evening as well to discuss private funding opportunities to provide services following July 30th and that the Mayor was involved in organizing this group. The Committee hadn't heard of this development and realized there may be two competing fundraising campaigns to provide services following July 30th of this year. Councilor Brenerman asked if the Shelter Planning Task Force is looking at whether or not the City should provide shelters and Julie replied that yes, we should talk about that. Councilor Brenerman also asked if we're making the most out of our funds from the Maine State Housing Authority. Julie responded that yes, MSHA has been instrumental in ensuring the City is making the most of opportunities available in this situation. A short discussion was had about the thought of using the Housing First model as a first hand resource vs. shelter services. The task force supported that idea.

Chair Suslovic discussed the deadline – preferring October but approving November if necessary and outlined three requests:

1. To learn how many beds per capita there are in comparable communities such as Worcester, Springfield, Bangor and Burlington
2. To learn how this meshes with recommendations from the last task force to end homelessness
3. To address concerns of the transition of ownership and operation to another agency noting the potential loss of transparency and accountability. Councilor Duson expressed a strong interest in seeing an RFP.

Agenda Item #3: Update on Implementation of Portland Community Support Fund

Acting City Manager Sauschuck gave a brief overview of the chain of events leading toward Portland's budget gap with regard to general assistance. The City has held several meetings to determine efforts moving forward. Challenges at this point in the update include culling data and determining the definition of "asylum seeker". The current plan aims to provide support for asylum seekers in the system as of June 30th. City Staff are working to develop a complete plan to present to the full council on July 20th. A short discussion was had to clarify that asylum seekers who were not enrolled to receive general assistance before June 30th would not be eligible for assistance through this Portland specific community support fund.

The committee was concerned that the Mayor may be organizing a competing fund. ACM Sauschuck's primary concern was implementing the program and the Council's vote. The group of City staff working on this endeavor has identified issues and is working on gathering data in order to move forward.

Discussion was had on how to donate to this fund – staff responded there is a link online where people can donate. Other ideas included a monthly spreadsheet to see who's donated if they would like that information made public. Councilor Costa thanked staff for their development of this program and intent to create a flexible system with latitude to maximize support. He hopes staff is confident of data and has a good idea of the number of the population this community support fund would serve.

Councilor Duson was concerned that staff have generously interpreted the amendment the council passed and thinks some of the language corporation counsel wrote is clear regarding eligibility. Staff clarified this program is not for new applicants that apply after June 30th and is extended for one year only.

The next regularly scheduled meeting takes place on August 11th at 5:30pm. With no further business to attend to the committee adjourned at 8:11pm



Executive Department
Julie Sullivan, Acting Chief of Staff

M E M O R A N D U M

TO: Public Safety, Health & Human Services Committee, City Council
FROM: Julie Sullivan
DATE: August 27, 2015
RE: Landlord Registration Fee – Possible Discounts/Exemptions and Revenue Impacts

As part of the overall recommendations to improve rental housing safety, the Fire/Code Task Force suggested a \$25 per-unit annual landlord registration fee to strengthen the City's existing landlord registration ordinance, ensure that the City has accurate and complete data on rental housing stock including landlord contact information, and support the new Housing Safety Office. The Task Force used the City's conservative estimate that there are 17,000 rental housing units in Portland, excluding the approximately 1,000 Portland Housing Authority-owned units. During the Fiscal Year 2016 budget process, the budget team opted to increase the per-unit fee to \$35 and assume a 30% noncompliance rate, for total estimated revenue of \$416,500.

The Task Force did not consider any discounts or exemptions beyond the PHA-owned units; at the City Council's request, I have researched possible options and an ad-hoc stakeholder group (with the landlords who participated in the Task Force as well as others; please see the list below) met on Friday, August 7 to discuss these options.

First, thirty-four municipalities around the country who have landlord registration fee ordinances were reviewed. An extremely wide range of fees are required, with more commonalities among the kinds of discounts or exemptions offered. Many exempt owner-occupied buildings with two or sometimes more units; the Task Force chose not to include this exemption as part of its initial recommendations. Many more offer no discounts or exemptions whatsoever. Most have some discount or exemption for government-owned/operated buildings and/or those inspected as part of federal and/or state funding requirements.

I spoke at length with Bob Conroy of MaineHousing, who is expert on HUD funding requirements around inspections, as well as his colleague Kim Weed, who is in charge of inspections for MaineHousing. Both agreed that discounting or exempting government-owned/operated units or those subject to state/federal inspections is a meaningful choice that still ensures the safety of those units. They did not think that smoke-free policies were reasonable grounds for a discount, nor did I find evidence among any of the 34 municipalities reviewed of such discounts.



Executive Department
Julie Sullivan, Acting Chief of Staff

Finally, the option of a discount for a fully-sprinkled building is far more complicated to enact than one would think, primarily because our ordinance does not clearly distinguish a threshold above which a building is required to be fully sprinkled, nor do we have any records showing how many rental housing units are in buildings which are fully sprinkled. I also did not find evidence among any of the 34 comparison cities of such a discount.

During the landlord stakeholder meeting on August 7, one of the key points made was that the landlord registration process can and should be used to incentivize safer buildings, though they agreed that some safety measures can be hard to verify, including an enforced smoke-free policy. They argued, however, that offering a nominal discount for a smoke-free policy could be an effective means to educate landlords about the issue. Ultimately, they came to consensus on the following discounts:

- -\$10 for a fully-sprinkled building (verification: testing/maintenance report and/or maintenance contract)
- -\$7.50 for a centrally-monitored fire alarm (verification: Fire Department logs and/or alarm contract)
- -\$5 for a HUD HQS inspection (verification: inspection report within last year)
- -\$10 for a HUD UPCS inspection (verification: inspection report within last year)
- -\$2.50 for a smoke-free policy (verification: copy of lease and spot checks)
- Most agreed that the fee should not drop below \$15

On the following spreadsheet, you will see the revenue impact of implementing an exemption and a discount for the approximately 3,500 units that are inspected by state or federal agents. There is about an \$86,000 revenue loss for an exemption, and about a \$16,000 loss for a \$5/unit discount for a HUD HQS inspected properties and a \$10/unit discount for HUD UPCS inspected properties.

Because we have no way to estimate the number of residential rental units with sprinkler systems, fire alarms, or smoke-free policies, I cannot predict with any certainty what the revenue loss would be for such discounts. We could put fields on the registration form and begin to track these with the idea of providing discounts once we understand the ramifications.

It seems prudent to implement the discount for government-inspected units with a minimal revenue loss; I am hopeful we can minimize the non-collection rate through efficient and effective staff outreach and follow-up around the registration process. These units require less City staff time to inspect or follow up (we do receive complaints regarding these properties), and the programs are generally not able to pass on any rent increases to their tenants. It does seem that discounts for sprinkler systems, centrally-monitored fire alarms, and smoke-free policies may make sense, and perhaps could be phased in for year two.



Executive Department
Julie Sullivan, Acting Chief of Staff

Following the stakeholder meeting, the City Manager met with Councilor Suslovic regarding the possible discounts. Councilor Suslovic supported the stakeholder group's recommendations and added that he would like the smoke-free policy discount to require that landlords include smoke-free language in their leases.

Stakeholder Group:

Mark Adelson, Portland Housing Authority

Jim Harmon

Norman Maze, Shalom House

Russ Pierce, Port Properties

Cullen Ryan, Community Housing of Maine

Crandall Toothaker (*Task Force member*)

Dana Totman, Avesta Housing

Brit Vitalius, Southern Maine Landlord Association President (*Task Force member*)

Carleton Winslow (*Task Force member*)

Landlord Registration Fee

Possible Discounts/Exemptions

8/10/2015

Option 1: Exemption for all government owned/operated, and/or inspected units.

All PHA-owned units - approx 1,000 (no impact to initial registration fee revenue estimate because not included)

Approximately 3,500 additional units are inspected by state or federal agents as a condition of their funding

	Rental units	Per unit fee	Collection rate	Revenue estimate	Loss
Initial registration fee revenue estimate	17,000	\$ 35	70%	\$ 416,500	
Revenue with exemption	13,500	\$ 35	70%	\$ 330,750	\$ 85,750

Option 2: Exemption for government owned/operated and discount for government-inspected units.

	Rental units	Per unit fee	Collection rate	Revenue estimate	Loss
Revenue with exemption and discount	13,500	\$ 35	70%	\$ 330,750	
	3,500	~2500 at \$30, ~1000 at \$25	70%	\$ 70,000	
				\$ 400,750	\$ 15,750

Option 3: Exemption for government owned/operated and discount for full sprinkler system.

According to the City's Fire Prevention Office, there is no way to estimate the number of buildings that are fully sprinkled. There have been changes over the years to City ordinances affecting sprinkler requirements, so there is no clear threshold above which sprinklers are required, nor does the City track which buildings are fully sprinkled. All new construction, including single-family homes, requires sprinklers (at least for the past 4-5 years).

Option 4: Exemption for government owned/operated and discount for smoke-free policies.

I could find no evidence of any other municipality around the country providing a discount for smoke-free policies. Arguably, there is also a potentially significant difference between having a policy and enforcing it, which would be difficult for inspectors to assess. I do not recommend a discount for smoke-free policies.

Landlord Registration Fee Program Research

City/Town	Fee	Discount(s)/Exemption(s)
Collinsville, IL	\$25 plus \$25/unit	None
Baltimore, MD	▪ Owner-occupied, 1-2 tenants: \$40/unit ▪ Owner-occupied, 3+ tenants: \$50/unit ▪ Not owner-occupied: \$50/unit ▪ Must be inspected at landlords' cost by state-licensed home inspector	▪ Solely owner-occupied with relative of owner ▪ 7+ units in one building with one owner ▪ Apartment complexes ▪ Group houses ▪ Exempted as required by federal or state law
Bellingham, WA	\$10/unit for 1-20 units in same building, annually \$8/unit for 20+ units in same building, annually	The following rental housing units are required to register but are exempt from paying the registration fee and from inspection: Owner-occupied buildings containing two units; Units owned, operated or managed by a government agency or authority or are specifically exempted from a fee by state or federal law, however, once government ownership, operation or management ceases so does the exemption for fee payment; Rental units that receive funding or subsidies from federal, state or local government, and that are inspected at least once every three years as a condition of that funding; and Accessory dwelling units that are attached to a single family residential unit AND the owner of the property resides in either of those housing units.
Bernardsville, NJ	\$100/unit annually	None
Boston, MA	▪ \$25/unit initial annually, \$15/unit renewals ▪ \$2500 max per building; \$5000 max per complex (2+ buildings)	▪ Rental units owned/operated by the government ▪ Owner-occupied in building with 6 or fewer units
Broward County, FL	\$75 annually	owned by a federal, state, or local housing program or the federal Department of Housing and Urban Development
Burlington, NJ	\$100/property, every two years	None
Burlington, VT	\$50 initially and upon sale/transfer	None

City/Town	Fee	Discount(s)/Exemption(s)
Cedar Rapids, IA	\$50 one-time license fee plus the following annually: ▪ \$30 single-family or duplex ▪ \$25 plus \$8/unit for 3+ unit buildings	Owner-occupied units
Coral Springs, FL	\$56/property	Owner-occupied
DeKalb, IL	\$50/unit, plus \$15.24/unit over 2 units	None
Flint, MI	\$112 annual license; inspection fees as follows: ▪ \$225 single family ▪ \$300 two family ▪ \$90/unit for 3-4 units ▪ \$75/unit for 5-50 units ▪ \$45/unit for 51+ units	None
Freeport, IL	\$19/unit	None
Gary, IN	\$75 initially, \$25 renewal annually	None
Hammond, IN	\$80/unit, annually	None
Hartford, CT	\$25/property at construction, renovation, sale, etc	None
Lambertville, NJ	\$50/property, annually	None
Lawrence, NJ	\$75/unit, annually plus \$75 for certificate of inspection by licensed Lawrence Twp Housing Inspectors	Exempt if owner-occupied or occupied by relative of owner and no rent paid
Metuchen, NJ	\$40 per rental unit per address; \$50 for the first 4 dwelling units \$10 for each additional 4 units or fraction thereof.	None
Middlesex, NJ	\$50/unit annually	None
Millville, NJ	\$150/unit, annually	None
Nashville, TN	\$10 flat fee, annually	None
North Brunswick, NJ	\$30/property, every 3 years	None
Overland Park, KS	▪ Single family, duplex, triplex only ▪ \$10 for first unit, \$2/additional unit, annually	None
Palmyra, NJ	\$110 annually	None
Pittsburgh, PA	\$65/unit, annually	Exemptions for universities, institutional housing, Housing Authority – “because the City has their contact info already”

City/Town	Fee	Discount(s)/Exemption(s)
		Considering additional exemptions.
Scranton, PA	\$150/property plus \$50/unit, annually	Owner-occupied with 4 or fewer units Elderly, multi-dwelling units with 75% or more of occupants over age of 65 Those that operate under IRS Code Section 42
Seattle, WA	▪ \$175/property plus \$2/unit ▪ Renew every 5 years ▪ Required inspection by City or City-certified inspector every 10 years at landlords' expense	Housing units that a government entity or housing authority owns, operates or manages; or units exempted from municipal regulation by federal, state, or local law. Rental housing units that receive funding or subsidies from federal, state, or local government when the rental housing units are inspected by a federal, state, or local governmental entity at least once every five years as a funding or subsidy requirement; and the rental housing unit owner or agent submits information to the Department within 60 days of being notified that an inspection is required that demonstrates the periodic federal, state, or local government inspection is substantially equivalent to the inspection required by this Chapter; and Rental housing units that receive conventional funding from private or government insured lenders when the rental housing unit is inspected by the lender or lender's agent at least once every five years as a requirement of the loan; and the lender or lender's agent submits information to the Department within 60 days of being notified that an inspection is required that demonstrates the periodic lender inspection is substantially equivalent to the inspection required by this Chapter; and Accessory dwelling units and detached accessory dwelling units, provided the owner lives in one of the housing units on the property and an "immediate family" member as identified section 22.206.160.C.1.e lives in the

City/Town	Fee	Discount(s)/Exemption(s)
		other housing unit on the same property.
Skokie, IL	\$25/unit annually	Owner-occupied units
Troy, NY	\$150/property initially and again only when information changes	None
Urbana, IL	▪ \$55/single family home ▪ \$70/duplex ▪ \$65/building 3+ units ▪ Add \$16/unit for 4+ units ▪ Renew annually	• nursing homes • hotels/motels • housing authority units • University Certified Housing
Waterloo, IA	\$25/unit annually	None
West Hollywood, CA	\$120/unit	▪ Landlord- or relative-occupied units ▪ Units subsidized by the government ▪ Institutional facilities ▪ Nonprofit housing ▪ Must apply for exemption annually
Youngstown, OH	\$40 for first unit, then \$25/unit in the same building, annually	Public housing units or other properties subject to annual inspection pursuant to Federal regulations (Section 8) have to register their properties BUT DO NOT have to pay the registration fee. Also, Owner Occupied properties DO NOT have to pay the fee.

ARTICLE VI. DISCLOSURE OF BUILDING OWNERSHIP

Sec. 6-150. Purpose.

The proliferation of real estate proprietorships, partnerships, and trusts having undisclosed, anonymous or otherwise unidentifiable principals, owning large numbers of residential rental properties, sometimes managed through unresponsive property management companies, has impeded the proper enforcement of this chapter, chapter 12 and other ordinances of the city. This article is intended to require the disclosure of the ownership of such property and to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises, and to ensure that owners and tenants comply with chapters 6 and 10 of the City Code.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015)

Sec. 6-151. Registration required.

(a) For purposes of this Article, a *rental unit* is a portion of any residential structure that is rented or available for rent to any individual or individuals for any length of time. A Single-Family Home, Condominium, or Apartment that is occupied by the owner or owners, and of which no portion is rented or available for rent, is not a *rental unit*. Any portion of a Single-Family Home, Condominium, or Apartment that is rented to or available to be rented to an individual or individuals who are not the owner or owners is a *rental unit*. *Dwelling units* and *rooming units* as defined in §6-106 are, without limitation, *rental units*.

(b) *Registration of ownership.* The owner or owners of all buildings containing one (1) or more rental units within the city shall register their ownership interest, address, telephone number, and e-mail address, as well as the name, address and telephone number of the person or entity responsible for managing the property with a housing safety official designated by the city manager as provided in section 6-152 by January 1, 2016 or within thirty (30) days of purchase of the property and/or building, whichever occurs later.

(c) *Fee for Registration.* The owner or owners shall pay to a housing safety official designated by the city manager a fee of \$35 per rental unit at the time of registration. Failure to pay this fee by January 1, 2016 shall constitute a violation pursuant to section 6-153.

(d) *Annual Renewal and Fee.* The owner or owners shall renew their registration annually by updating the information provided in their initial registration and by payment to the City through a housing safety official designated by the City Manager of a fee of \$35 per rental unit. Failure to update information or pay the annual renewal fee by January 1 shall constitute a violation pursuant to section 6-153.

(e) *Registration of management companies.* Any individual, firm, corporation or purchaser under a land installment contract pursuant to Title 13 M.R.S.A. § 481 et seq. as may be amended from time to time, managing property subject to the registration requirements of subsection (a) shall register with the building authority its management responsibility by January 1, 2016 or within thirty (30) days of assuming management responsibility. Any filing shall be updated, at least annually, if there are any changes whatsoever with regard to the information supplied. Failure to register management responsibility or update the information supplied regarding such management responsibility shall constitute a violation pursuant to section 6-153.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. No. 246-97, 4-9-97; Ord. 298-14/15, 7-6-2015)

(f) *Registration and Renewal Fee Discounts.* In recognition that there are certain actions that owners of rental units may take that reduce safety risk and decrease the financial burden upon the City, the following discounts to the \$35 registration fee and \$35 renewal fee are available:

(1) \$10 discount for each rental unit within a fully-sprinkled building as verified by a testing report, maintenance report or a maintenance contract which shall be provided at the time of registration and upon each renewal;

(2) \$7.50 discount for each rental unit within a building with a centrally-monitored fire alarm as verified by Fire Department logs or an alarm contract which shall be provided at the time of registration and upon each renewal;

(3) \$5.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Housing Quality Standard (HQS) inspection within the preceding year as verified by the HQS inspection report which shall be provided at the time of registration and upon each renewal;

(4) \$10.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Uniform Physical Condition Standard (UPCS) inspection within the preceding year as verified by the UPCS inspection report which shall be provided at the time of registration and upon each renewal;

(5) \$2.50 for a rental unit that is subject to a signed lease which prohibits smoking by tenants as verified by a copy of the current lease which shall be provided at the time of registration and upon each renewal. The existence of and enforcement of such provision may also be verified through inspections or upon spot checks of the rental unit.

Sec. 6-152. Registration form; information.

A housing safety official designated by the city managers shall provide forms to be completed by the owners and managers of properties subject to registration under this article and shall maintain a file containing all registrations made under this article.

(a) The registration form for owners shall include, at a minimum, the following:

1. The street address of the building;
2. The assessor's chart, block and lot of the property on which the building is located;
3. The names, addresses, telephone numbers, and e-mail addresses of all individual persons having any ownership interest in the property including, without limitation, all partners, all officers or trustees of any real estate trusts; and including the residential street address, e-mail address and home phone number of at least one (1) such individual person;
4. The name, address and telephone number of the manager of the property or the person or persons responsible for its regular maintenance or repair;
5. The name, address, and e-mail address of a person designated as the agent of the owner or owners for the service of notices and civil process by the city. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners designating that person in any litigation pertaining to the premises.

(b) The registration form for managers of property shall include, at a minimum, the following:

1. The name, address, e-mail address and local telephone number of the management company and of at least one (1) such individual, including the residential street address, e-mail address and home telephone number of that individual; and
2. A list of all buildings for which the person or firm is responsible, including the street address and chart, block and lot description of the property and the name of the owner of that building.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015)

Sec. 6-153. Violations.

- (a) Any person business entity or other organization failing to timely file the required registration or failing to timely pay, in full, the registration fee or annual renewal fee, or failing to timely file any required update to the registration shall be in violation of this Article for which a fine of \$100.00 per day each day the violation continues shall be assessed.
- (b) Any person providing false information with respect to registration shall be in violation of this article for which a fine of \$1,000.00 shall be assessed.
- (c) It shall be a violation of this article for which a fine of \$100.00 per day each day the violation continues shall be assessed for any owner or manager to rent any apartment or other portion of any building subject to registration, not registered under this article, or to permit the occupancy of such premises.
- (d) No certificate of occupancy shall be issued for property subject to the registration requirements which is not registered in accordance with this article.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015)

Sec. 6-154. Reserved.

Sec. 6-155. Reserved.

Sec. 6-156. Reserved.
Sec. 6-157. Reserved.
Sec. 6-158. Reserved.
Sec. 6-159. Reserved.
Sec. 6-160. Reserved.
Sec. 6-161. Reserved.
Sec. 6-162. Reserved.
Sec. 6-163. Reserved.
Sec. 6-164. Reserved.

TO: Public Safety, Health and Human Services Committee

FROM: Public Health Division, Health and Human Services Department Staff

DATE: September 8, 2015

RE: Smoking in Private Clubs and Clarification of Ordinance on Smoking in Public Parks

The Public Safety, Health and Human Services Committee of the Portland City Council asked Public Health Division staff to compile information regarding the issue of smoking in membership associations with private clubs, and clarification around the exact locations of which public parks and grounds do not allow smoking. In preparation, staff reviewed the City's existing ordinances related to smoking in private clubs and public parks, and the actions of other states, local municipalities, and health organizations.

Actions of States, Municipalities and Health Organizations on Smoking in Private Clubs

Maryland, New Jersey, Rhode Island, Utah, Vermont, and Wisconsin are six states that require all private clubs to be 100% smoke-free based on the desire to improve public health by creating smoke-free environments in all workplaces. As of July 1, 2015, as recorded and verified by the American Nonsmokers' Rights Foundation, there are 245 towns, cities, and/or municipalities with local laws requiring that all private clubs be 100% smoke-free regardless of whether they have employees or are open to the public. Among these cities, towns, and municipalities, 55 of them are in Massachusetts and are supported by their respective Boards of Health.

City of Portland Ordinance on Smoking in Private Clubs

As requested by the Committee, attached is draft language that has been prepared by Corporation Counsel. The definition of "indoor eating area" has been changed to include "Membership Association (private club)."

Rationale of Change to Listing Public Parks and Open Spaces

Current City Code Section 17-96 contains a list of parks, squares, and grounds that is not complete and comprehensive in its entirety. It is proposed to clarify the exact locations by including additional parks, squares, and grounds since the last time this list was updated.

As requested by the Committee, attached is draft language that has been prepared by Corporation Counsel. Section 17-96 of City Code has been amended to state that "smoking prohibited in all city-owned or maintained parks and temporary parks requiring a permit".



State and Local 100% Smokefree Private Club Laws

Enacted as of July 1, 2015

Note: The jurisdiction(s) affected by county-level laws vary widely. Look for a plus symbol (+) next to each county with a law that includes both incorporated and unincorporated areas. A county without a symbol means that the county law covers unincorporated areas only.

The laws listed here require that all private clubs must be 100% nonsmoking, regardless of whether they have employees or are open to the public.

State laws requiring that all private clubs be 100% smokefree

	State
1.	Maryland
2.	New Jersey
3.	Rhode Island

	State
4.	Utah
5.	Vermont
6.	Wisconsin

Local laws requiring that all private clubs be 100% smokefree

	Name	State
1.	Juneau	AK
2.	Anniston	AL
3.	Bessemer	AL
4.	Fultondale	AL
5.	Midfield	AL
6.	Troy	AL
7.	Fairfield Bay	AR
8.	Fayetteville	AR
9.	Pine Bluff	AR
10.	Albany	CA
11.	Belmont	CA
12.	Daly City	CA
13.	Davis	CA
14.	El Cerrito	CA
15.	Fairfax	CA
16.	Glendale	CA
17.	Loma Linda	CA
18.	Novato	CA
19.	San Francisco	CA
20.	Santa Clara	CA
21.	Scotts Valley	CA
22.	Temecula	CA
23.	Union City	CA
24.	Breckenridge	CO
25.	Brighton	CO
26.	Fort Collins	CO
27.	Grand Junction	CO
28.	San Luis	CO

	Name	State
29.	Chatham County	GA
30.	Savannah	GA
31.	Moscow	ID
32.	Batavia	IL
33.	Benton	IL
34.	Centralia	IL
35.	East Peoria	IL
36.	Frankfort	IL
37.	Galesburg	IL
38.	Highland Park	IL
39.	La Grange	IL
40.	Lake Bluff	IL
41.	Lake County	IL
42.	Milan	IL
43.	Morton Grove	IL
44.	Naperville	IL
45.	North Aurora	IL
46.	Palatine	IL
47.	Palos Hills	IL
48.	Park Ridge	IL
49.	Plainfield	IL
50.	South Beloit	IL
51.	Streator	IL
52.	Villa Grove	IL
53.	Wamac	IL
54.	Washington	IL
55.	Wheaton	IL
56.	Bloomington	IN

Name	State
57. Columbus	IN
58. Delaware County ⁺	IN
59. Fort Wayne	IN
60. Greensburg	IN
61. Vanderburgh County ⁺ (except the city of Evansville)	IN
62. Vigo County ⁺	IN
63. Zionsville	IN
64. Bel Aire	KS
65. Derby	KS
66. Garden City	KS
67. Lawrence	KS
68. Manhattan	KS
69. Prairie Village	KS
70. Pratt County	KS
71. Walton	KS
72. Bardstown	KY
73. Hammond	LA
74. Monroe	LA
75. New Orleans	LA
76. Agawam	MA
77. Amherst	MA
78. Aquinnah	MA
79. Ashland	MA
80. Brimfield	MA
81. Carver	MA
82. Chicopee	MA
83. Chilmark	MA
84. Dartmouth	MA
85. Dedham	MA
86. Deerfield	MA
87. Easthampton	MA
88. Edgartown	MA
89. Everett	MA
90. Fairhaven	MA
91. Franklin	MA
92. Gill	MA
93. Granby	MA
94. Great Barrington	MA
95. Greenfield	MA
96. Hingham	MA
97. Holyoke	MA
98. Hopedale	MA
99. Hull	MA
100. Lancaster	MA
101. Lee	MA
102. Lenox	MA
103. Leverett	MA
104. Lynn	MA
105. Milford	MA
106. Milton	MA
107. New Bedford	MA
108. New Braintree	MA

Name	State
109. Northampton	MA
110. Norwood	MA
111. Oak Bluffs	MA
112. Orange	MA
113. Pittsfield	MA
114. Quincy	MA
115. Saugus	MA
116. Sharon	MA
117. Shelburne	MA
118. Sherborn	MA
119. South Hadley	MA
120. Springfield	MA
121. Stockbridge	MA
122. Stoughton	MA
123. Sunderland	MA
124. Tisbury	MA
125. Wareham	MA
126. Wayland	MA
127. Webster	MA
128. West Tisbury	MA
129. Westfield	MA
130. Weymouth	MA
131. Whately	MA
132. La Plata	MD
133. Grand Rapids	MI
134. Hennepin County ⁺	MN
135. Independence	MO
136. Liberty	MO
137. Maryville	MO
138. Washington	MO
139. Anguilla	MS
140. Arcola	MS
141. Bassfield	MS
142. Beulah	MS
143. Bruce	MS
144. Byram	MS
145. Calhoun City	MS
146. Centreville	MS
147. Crawford	MS
148. Duck Hill	MS
149. Duncan	MS
150. Durant	MS
151. Ethel	MS
152. Farmington	MS
153. Forest	MS
154. Friars Point	MS
155. Georgetown	MS
156. Indianola	MS
157. Isola	MS
158. Itta Bena	MS
159. Iuka	MS
160. Louisville	MS

Name	State
161. Lumberton	MS
162. Madison	MS
163. Magee	MS
164. Mendenhall	MS
165. Moorhead	MS
166. Nettleton	MS
167. New Augusta	MS
168. Pittsboro	MS
169. Plantersville	MS
170. Prentiss	MS
171. Rolling Fork	MS
172. Sledge	MS
173. Sumner	MS
174. Sumrall	MS
175. Tutwiler	MS
176. Walnut	MS
177. Walnut Grove	MS
178. Weir	MS
179. Wesson	MS
180. Woodville	MS
181. Independence	OR
182. Charleston	SC
183. Charleston County	SC
184. Estill	SC
185. Greenville	SC
186. Hampton	SC
187. Isle of Palms	SC
188. Richland County	SC
189. Simpsonville	SC
190. Kerrville	TX
191. Lufkin	TX
192. Waxahachie	TX
193. Weatherford	TX
194. Ashwaubenon	WI
195. Beaver Dam	WI
196. Big Bend	WI
197. Brookfield	WI
198. Cedarburg	WI
199. Chippewa County ⁺	WI
200. De Pere	WI
201. Eau Claire County	WI
202. Fennimore	WI
203. Florence County ⁺	WI
204. Fond du Lac	WI

Name	State
205. Green Bay	WI
206. Greenfield	WI
207. Hudson	WI
208. Jefferson County	WI
209. Kenosha	WI
210. Lake Delton Village	WI
211. Lincoln County	WI
212. Madison	WI
213. Marshfield	WI
214. Merrill	WI
215. Milwaukee	WI
216. Neenah	WI
217. North Hudson	WI
218. Oak Creek	WI
219. Onalaska	WI
220. Oneida County ⁺	WI
221. Portage	WI
222. Prairie du Chien	WI
223. Reedsburg	WI
224. Rhinelander	WI
225. Somerset	WI
226. South Milwaukee	WI
227. Suamico	WI
228. Verona	WI
229. Watertown	WI
230. West Allis	WI
231. Winnebago County	WI
232. Wisconsin Dells	WI
233. Wisconsin Rapids	WI
234. Barbour County ⁺	WV
235. Calhoun County ⁺	WV
236. Pleasants County ⁺	WV
237. Ritchie County ⁺	WV
238. Roane County ⁺	WV
239. Wirt County ⁺	WV
240. Wood County ⁺	WV
241. Afton	WY
242. Burlington	WY
243. Cheyenne	WY
244. Evanston	WY
245. Laramie	WY

⁺Law pertains to both incorporated and unincorporated areas of county.

Only laws which have been reviewed and analyzed by ANR Foundation staff using standardized criteria are included here. Omissions of particular laws may be the result of differences of opinion in interpretation, or because ANRF staff have not yet analyzed the law.

May be reprinted with appropriate credit to American Nonsmokers' Rights Foundation.

ARTICLE V. REGULATION OF TOBACCO*

*Editor's note--Ord. No. 241-98, § 1, adopted Apr. 7, 1998, amended this chapter by adding provisions as herein set out; such ordinance was approved at referendum on Nov. 3, 1998, with an effective date of Dec. 5, 1998.

*Editor's note--Pursuant to Council Order 39-12/13, passed by City Council on 2/4/13 repealed Article V in its entirety and replaced it with a new Article V.

DIVISION 1. GENERALLY

Sec. 17-70. Findings; purposes.

(a) The city council hereby finds as follows:

- (1) There is no risk-free level of contact with secondhand smoke; even brief exposure can be harmful to health;
- (2) Secondhand smoke contains over 4,000 chemicals, more than 60 of which are known to cause cancer;
- (3) The smoking of other substances may also cause serious health problems and risks to those who smoke; and
- (4) The purpose of this regulation is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

(b) The city council hereby finds that it is in the public health, safety and welfare to supplement state regulation of the use of tobacco, tobacco products and other substances that emit smoke that is used and intended customarily for inhalation into the lungs in outdoor locations and the free distribution and self-service displays of tobacco and tobacco products.

(Ord. No. 39-12/13, 2-4-13, Ord. 207-14/15, 4-27-2015)

Sec. 17-71. Definitions.

Words used in this chapter shall have their common meanings, except that definitions set forth in 22 M.R.S.A. Chapter 262-A, or this section shall apply unless the context clearly indicates that a different meaning is intended:

Designated city trail means the traveled portion of all city-owned or controlled trails open to use by the public that have been designated as a nonsmoking trail by order of the city council.

~~(b) Indoor eating areas shall mean indoor areas permitted for dining that are under the control of a restaurant or bar for the use of its patrons.~~

~~(c) Outdoor eating areas shall mean patios, decks, public property permitted for outdoor dining and other outdoor areas under the control of a restaurant or bar for the use of its patrons.~~

Membership Association (private club): A not-for-profit entity that has been established and operates for a charitable, philanthropic, civic, social, benevolent, educational, religious, athletic, recreation or other similar purpose, and is comprised of members who collectively belong to:

i. a society, organization or association of a fraternal nature that operates under the lodge system, and having 1 or more affiliated chapters or branches incorporated in any state; or

ii. a corporation organized under Maine law; or

iii. a veterans' organization incorporated or chartered by the Congress of the United States, or otherwise, having 1 or more affiliated chapters or branches in any state.

An entity shall not be a membership association for the purposes of this definition unless individual membership is required for all members of the association for a period of not fewer than 90 days.

Outdoor eating areas shall mean patios, decks, public property permitted for outdoor dining and other outdoor areas under the control of a restaurant or bar for the use of its patrons.

Owner means and includes the proprietor, manager, lessee, lessor licensee or any other person exercising control over any facility or location.

Private function is a room or a hall in which the sponsor of the private function and not the owner or proprietor has control over the seating arrangements.

Smoking means the lighting, inhaling, exhaling, burning or carrying of any cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, other similar product that relies on vaporization or aerosolization, or other tobacco product, or carrying or having in one's possession any lighted object giving off smoke from tobacco or any other substance that emits smoke that is customarily used and intended for inhalation into the lungs.

Tobacco or tobacco product means any form of tobacco, including but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco or snuff, and any material or device used in the smoking, chewing or other form of tobacco consumption, including but not limited to cigarette papers, pipes, electronic cigarettes, electronic cigars, electronic pipes, and other similar products that rely on vaporization or aerosolization.

Traveled portion means that area of a trail covered by material such as concrete, pavement, stone dust, or cedar mulch, designed to bear traffic from individuals or vehicles powered by individuals.

(Ord. No. 39-12/13, 2-4-13, Ord. 207-14/15, 4-27-2015)

Sec. 17-72. Reserved.

Sec. 17-73. Reserved.

Sec. 17-74. Reserved.

Sec. 17-75. Reserved.

Sec. 17-76. Reserved.

Sec. 17-77. Reserved.

Sec. 17-78. Reserved.

Sec. 17-79. Reserved.

Sec. 17-80. Reserved.

DIVISION 2. MISCELLANEOUS PROVISIONS

Sec. 17-81. Free distribution; sampling.

The free distribution or sampling of tobacco is prohibited in the City of Portland. A violation of this section shall be a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(Ord. No. 241-98, § 1, 4-7-98; Ord. No. 39-12/13, 2-4-13)

Sec. 17-82. Self-service displays.

(a) Self-service displays of tobacco products, from which

individual packages, cartons, or items may be selected by the customer, are prohibited in the City of Portland.

(b) The foregoing shall not apply in a retail tobacco store which specializes in the sale of tobacco and tobacco products only.

(c) A violation of this section shall be a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-83. Nonretaliation.

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any right to smoke-free environment afforded by this article. A violation of this section shall be a civil violation subject to the general penalty provisions of section 1-15 of this code.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-84. Reserved.

Sec. 17-85. Reserved.

DIVISION 3. NONSMOKING ON DESIGNATED CITY TRAILS

Sec. 17-86. Purpose.

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life of the children and other people that use designated city trails.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-87. Smoking prohibited.

It shall be unlawful for any person to smoke on a designated city trail at any time.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-88. Enforcement.

The parks and recreation department shall place signs at the beginning and end point of any city trail as well as in such other locations that, in its sole discretion, the parks and recreation department deems necessary to notify the public of this ordinance. Prior to issuing a citation for a violation of

this section, a police officer or any law enforcement or code enforcement officer or park ranger shall issue one verbal warning to an individual. If the individual fails to immediately comply after one warning, individual shall be given a citation.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-89. Reserved.

DIVISION 4. SECONDHAND SMOKE ON
PLAYGROUNDS, BEACHES, AND ATHLETIC FACILITIES

Sec. 17-90. Purposes.

The purpose of this regulation is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

(Ord. No. 39-12/13, 2-4-13, Ord. 207-14/15, 4-27-2015)

Sec. 17-91. Smoking prohibited at playgrounds, beaches and outdoor athletic facilities.

(a) Smoking is prohibited both at, or within, twenty (20) feet of the following outdoor areas: playgrounds, beaches and outdoor athletic facilities owned and maintained by the city where members of the general public of any age assemble to engage in physical exercise, participate in athletic competition, play or recreational activity, or to witness sports, or other outdoor recreational events.

(b) The foregoing prohibition shall not apply in an area which has been designated prior to passage of this ordinance as a designated smoking area at Hadlock Field, but such area shall not be expanded.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-92. Enforcement.

(a) The health and human services department shall work with the public services department to place signs notifying the public of this prohibition at or near playgrounds and athletic facilities, as well as in such other locations that, in its sole discretion, the health and human services department deems necessary to notify the public of this ordinance.

(b) Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code

enforcement officer or park ranger shall issue one verbal warning to an individual. If the individual fails to comply after one warning, said individual shall be given a citation. Failure to comply after one warning is cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.
(Ord. No. 39-12/13, 2-4-13)

Sec. 17-93. Reserved.

DIVISION 5. SECONDHAND SMOKE IN
INDOOR AND OUTDOOR EATING AREAS AND MEMBERSHIP ASSOCIATIONS

Sec. 17-94. Smoking Prohibited in Indoor and Outdoor Eating Areas and in Membership Associations.

(a) Smoking is prohibited within ~~the~~ indoor and outdoor eating areas provided by restaurants and bars while such indoor or outdoor eating areas, or any portion thereof, are open and available for dining and beverage service.

~~(b) Indoor eating areas shall mean indoor areas permitted for dining that are under the control of a restaurant or bar for the use of its patrons.~~

~~(c) Outdoor eating areas shall mean patios, decks, public property permitted for outdoor dining and other outdoor areas under the control of a restaurant or bar for the use of its patrons.~~

(b) Notwithstanding the provisions of 22 M.R.S. § 1580-A, smoking is prohibited within membership associations.

(Ord. 207-14/15, 4-27-2015)

Sec. 17-95. Enforcement.

(a) It shall be the responsibility of restaurants, ~~and bars~~ and membership associations to notify ~~its~~ their customers, patrons and members of this prohibition and to request that ~~customers~~ those customers, patrons, and members comply with it.

(b) Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code enforcement officer shall issue one verbal warning to an individual and the restaurant, bar or membership association.

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If the individual or restaurant, ~~or bar~~ or membership association fails to comply after one warning, said individual or restaurant, ~~or bar~~ bar or membership association shall be given a citation. Failure to comply after one warning is cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.
(Ord. 207-14/15, 4-27-2015)

DIVISION 6. SMOKING PROHIBITED IN CITY PARKS AND PUBLIC GROUNDS

Sec. 17-96. Smoking prohibited in all city-owned or maintained parks and temporary parks requiring a permit.

(a) Smoking is prohibited in the City's public parks, squares and grounds.

(b) The Council shall define by order the City-owned or maintained public parks and grounds to which this requirement shall apply and such order shall be kept on file in the Department of Public Services.

(c) Smoking is prohibited in any temporary or "pop-up" park operated or maintained by a private person or entity, into which the public is invited and that requires an event permit under Chapter 18 for the duration of the event so approved.

(Ord. No. 39-12/13, 2-4-13)

***Editor's Note:** Pursuant to Council Order 38-12/13, passed on 2/4/13 the following is the list of public parks to which 17-96(b) applies:

ORDERED, that smoking shall be prohibited in the following parks and public grounds as described in Section 17-96 of the Portland City Code:

Back Cove Park	Lobsterman Park
Baxter Woods	Longfellow Square
Bayside Park	Marginal Way Field
Bedford Park	Monument Square
Bell Buoy Park	Oatnuts Park
Belmeade Park	Payson Park
Boothby Square	Pleasant Street Park
Capisic Pond Park	Post Office Park
<u>Compass Park/Maine State Pier</u>	Presumpscot Park
Congress Square	Presumpscot River Preserve
Deering Oaks Park	Quarry Run Dog Park
Dougherty Field	Riverton Park
Eastern Promenade	Stroudwater Park
Fessenden Park	Tommy's Park

Fort Allen Park
Fort Sumner Park
Ganley Plaza
Harbor View Park
Heseltine Park
Lincoln Park

University Park
Valley Street Dog Park
Western Promenade

Sec. 17-97. Enforcement.

(a) The health and human services department shall work with the public services department to place signs notifying the public of this prohibition at or near playgrounds and athletic facilities, as well as in such other locations that, in its sole discretion, the health and human services department deems necessary to notify the public of this ordinance.

(b) Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code enforcement officer or park ranger shall issue one verbal warning to an individual. If the individual fails to comply after one warning, said individual shall be given a citation. Failure to comply after one warning is cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.
(Ord No. 39-12/13, 2-4-13)

Sec. 17-98. Reserved.



Portland Fire Department Headquarters Office of the Fire Chief

To: Public Safety Health & Human Services Committee

From: Asst. Chief Keith Gautreau, Portland Fire Department

Date: September 4, 2015

Re: Update on Emergency Call Boxes & Migration to Wireless Technology

Evaluation of the existing Municipal Fire Alarm System:

- Estimated to have 400 conductor miles of wire below and above ground
- Some of it is over 75 years old
- Severe corrosion from underground gases causing maintenance problems with broken connections. This becomes very time consuming when trouble shooting thus creating excessive maintenance / repair expenses
- There are three types of Emergency Call boxes:
 1. Municipal Emergency Call Box tied into Dispatch Center (Red Boxes on the street)
 2. Telephone Style EVCS (Emergency Voice Calling System) Box
 3. Master Box Alarm which is in structures or buildings
- We have removed 119 of the **EVCS Boxes** electronically.
 - Due to lack of repair parts
 - System was installed in the late 70's
 - Created a liability issue
 - 90% of our Fire Alarm Technician call backs were nuisance alarms
 - Pedestals are rusting below ground level which will eventually require costly replacement
 - Estimation of replacing, upgrading cable, pedestals, hardware and labor is \$300k or more...

Advantages to the Wireless Municipal Alarm System:

- Low maintenance costs to the City
- The subscriber assumes the role of maintaining their wireless unit
- Old mechanical system takes up to 1 to 2 minutes to send the codes / information, the wireless system takes an avg. 14-20 seconds and transmits more information
- Allows our dispatch center to receive more information about the emergency
- The wireless system sends a test signal every 24 hours to Dispatch Center, mechanical system has to be manually tested by a person
- The wireless network has the ability to expand to cover other geographical areas without incurring a large expense

- South Portland Fire Department has already started this migration of their subscribers to the wireless system (see attached letter)
- The Fire Department and Corporation Counsel will presenting our plan to PSHHS next month for Committee review / action of any ordinance changes and costs associated to the subscribers

**Fire Department
Kevin W. Guimond
Fire Chief**

July 6, 2015

Ref: Fire Alarm Master Box transition

The South Portland Fire Department currently maintains a fire alarm master box system that your occupancy is currently connected to. At one time the city serviced over 275 boxes. Over the past ten years we have removed many of these systems and currently maintain just over 80. This is a fairly expensive system to maintain. It has also become less reliable as many parts within the system have become dated and worn out. We manually test each box every sixty days, and often are faced with costly repairs. New technology has allowed us to shift to a new wireless system known as an AES box. We have been beta testing these devices for two years. We are now ready to move our current system onto this platform. During testing we have successfully moved two of our oil companies as well as our new high school on to this system. This transition has been seamless.

There are several advantages to the new wireless system. The AES boxes automatically test themselves every twenty-four hours and provide a report to dispatch with any malfunctions. Today we only get a test report every sixty days when our tech manually visits each box. We also will not see the issues when large wind and weather events cause wires to be broken and direct connections lost. It often takes us several days to make repairs on the telephone poles. During these events you are often without fire alarm protection for this period of time.

The fire department is currently building the back end support network to transfer all of our boxes to this new system. I want to assure you, we will have capacity to accommodate all of our current subscribers if you choose to stay on our system. I have set July 1, 2017 as the end of life date for our current hard wired system. We will be ready to begin moving current customers in the next few months to the new AES system. **You are required to move to our new system or seek approval to move to a private alarm monitoring provider.** To ensure everyone is protected we want to hear from you. Please contact Chief Guimond or Deputy Haskell so we can work with you and help you through this transition.

The goal is to continue to provide reliable fire alarm monitoring within our community for many years to come.

Looking forward to hearing from you,

Chief Kevin W. Guimond

A few of the questions I know you all have:

Am I required to stay connected to the city system?

This is defined under Chapter 8 of the City's Code of Ordinances 8-3.3 and I have included this document for you to review. (see appendix) The following occupancies at a minimum will be required to stay on our system. I would also like to speak to everyone on the system and discuss what the best option for your business is.

- All Oil terminals
- All Schools
- South Portland Housing properties currently protected by Master Box
 - o 425 Broadway, 10 Soule Street, 1700 Broadway, Landry Village, Ridgeland Estates,
- 99 Preble Street
- SMCC
- Maine Youth Center

What is the cost to change?

There is an initial cost to purchase the new AES box. The current cost is approximately \$2300 for the unit. We will waive the initial \$200 connection fee to help you make this transition. After your first year you will continue to **only pay an annual fee** of currently \$200 for fire alarm protection. Each box will actually support numerous connection points.

**examples: Sprague Energy has numerous boxes currently; they should be able to consolidate several into one new AES box , Hannaford Warehouses also should be able to consolidate into one box*

What if I want to get off the city system?

If you are not required under Chapter 8 to stay on the system you may seek an approved private provider of fire alarm monitoring and notify the Fire Chief when you would like to make this transition. This does not change the requirement to have a monitored system in any structure within the city, only the method of notification. In South Portland you also are not allowed to use VOIP connections for fire alarm notifications because they do not offer protection in times when we have a power outage.

I encourage you to check the monthly fees of these private companies. You will see we still offer a great value to our corporate partners.

If you have any questions please contact one of us.

Chief Kevin Guimond at 799-3314 x-7330

Deputy Chief Miles Haskell at 799-3314 x-7331

Healthy Portland Community Profile Summary

Assessment Summary

Assessment Summary: Healthy Portland – City of Portland
Coalition Name: Healthy Portland
Person Completing Form: Chris Corson
Completion Date: June 24, 2015

Section 1 – Data Findings – Consumption and Consequences Data by Substance

Data was collected on youth substance use through the Maine Integrated Youth Health Survey (MIYHS), administered by the Maine Substance Abuse and Mental Health Services (SAMHS) on schools in Cumberland County. The community coalition meeting was provided with extensive data on both marijuana and substance abuse. The data community members seemed to highlight to target at that meeting were:

Overall, usage rates for prescription drugs have decreased since 2011. The past 30-day use of marijuana for students in grades 7-12 has stayed the same or increased since 2009.

The 2013 MIYHS data shows a significant increase perception that marijuana is easy to obtain between 8th and 9th grades (when many students move from middle school to high school). This doubled from 20% in 8th grade to 40% in 9th grade.

The use data for prescription drug misuse increased dramatically throughout high school with the largest jump being between 10th and 11th grades.

According to the Maine Office of Substance Abuse Treatment Data System (TDS) from July 2013 through June 2014 in Cumberland County, 60 adolescents ages 13-18 were admitted with marijuana as their “primary presenting problem used inappropriately. Of the 60 adolescents that were admitted, 42 were evaluated and recommended for treatment of substance use. Additionally, 15 of the 60 admitted were females and 45 were males.

In 2013, there was 176 drug related deaths in Maine, Pharmaceutical Opioids accounted for 105 of those case.

Section 2 – Intervening Variables and Contributing Factors

Intervening variables and contributing factors that stood out both from the data and the community meetings were access and availability in the community, a lack of knowledge and community norms. This was reflective both on the use and access data. Our logic model and selected activities address these intervening variable and contributing factors by strengthening protective factors that were identified. Protective factors include enforcement and increasing knowledge and awareness.

Section 3 – Identified Resources to Address Gaps / Needs

Due to the abbreviated time frame of this assessment, an in depth Gap Analysis was unable to be completed. Based on the community meetings and on the data, alcohol prevention was the major gap that we are unable to address in this grant application. We will continue to weave alcohol prevention throughout all substance abuse efforts and will seek funding for alcohol prevention.

Section 4 – Capacity of Coalition, Community Partners, and Stakeholders

The community meeting was held during one of 21 Reasons full coalition meetings. 21 Reasons is the local Drug Free Communities Grantee in Portland. Healthy Portland Substance Abuse staff have a working relationship as a partner on many objects as the services areas are the same and the work compliments each

other. The 21 Reasons coalition also serves and the City of Portland's Mayor's Substance Abuse Prevention Taskforce.

Members of the taskforce include individuals from: Portland Police, City of Portland Minority Health Program, Big Brother's Big Sisters, Nappi Distributors, Community Television, City of Portland Substance Abuse Prevention Program, Portland Schools, Sexual Assault Services of Southern Maine, Parents, Day One, Learningworks, Youth Court and others.

Section 5 – Prioritized Objectives and Strategic Approaches

** See Logic Model for expanded details

- Strengthen Community Norms and Messaging
- Strengthen Parental Monitoring and Messaging
- Reduce Youth Access
- Strengthen Enforcement
- Increase Healthcare Response

Section 6 – Other Findings

SPF SIG Logic Model – Healthy Portland

Theory of Change

Problem Statement (SPF Steps 1-2)			Strategies (SPF Step 3)	Activities (SPF Step 4)	Outcomes/Objectives (SPF 5)		
Problem	But why? (Intervening Variables)	But why here?	What are we doing to address the contributing factors?	What are we doing to implement the strategy?	Annual/Short- Term	Intermediate	Long-Term
					How are we implementing the strategy?	What behaviors will we change?	Are we meeting our long term goals?
Marijuana Use (ages 13-17)	Medical marijuana is increasing availability of marijuana and decreasing the perception of harm of marijuana. (Community Norms and Attitudes)	There is not enough information on the distinction between medical marijuana use by adults and recreational marijuana use by adults and/or teens.	Increase the knowledge of medical marijuana users on the harmful effects of marijuana to teens and how to use and store their medical marijuana safely through a partnership with our local dispensary.	Disseminate information to parents on teen marijuana use through the medical marijuana dispensary.	Number of brochures distributed. We will provide information to 7,500 Medical Marijuana Dispensary members in year 1.	Parents will become more aware of the harmful effects of marijuana use by teens and better educated on how to keep their teens safe.	Target: <i>By 2020, reduce Marijuana use by 15% among Maine's 12 to 25 year old population.</i>
	Misperception of risk and harm of marijuana use. (Lack of Awareness)	Conflicting messaging around medical marijuana and legalization.	Education Programs for youth groups.	Educate regarding the dangers of marijuana use to small groups of students.	Number of youth groups spoken to: We will provide 2 prevention education sessions for youth in year 1. We will report on number of students in year group and the types and amount of material provided to them.	Youth will be more likely to not use marijuana if they are aware of all the potentially dangerous side effects.	
	Physicians are overprescribing medication which leads to an excess in the	There is not enough education around drug take back events and drop off sites that	Increase the knowledge of community members of our partnership with Cumberland County	Disseminate information and promote the times and	Number of brochures distributed. We will provide	Community members will be aware of ways to	

Prescription Drug Misuse (all ages)	community and in households. (Access and Availability)	exist.	Sheriff's Office on Drug Take Back.	locations of Drug Take Back opportunities in Portland. (Venues such as real estate, funeral homes, pharmacies, community policing, etc.)	information to 2000 community members in year 1. Number of events in which we promote drug take back. We will provide information at 2 events in year 1.	properly dispose of prescription medications.	Target: <i>By 2020, Reduce Prescription drug misuse by 15% among Maine's 12 to 25 year old population.</i>
	While our data shows us that the PMP is an effective strategy, Pharmacists and Physicians may be unaware of benefits associated with using the PMP. (Access and Availability & Enforcement) ..	We could do more in the way of education to Pharmacies and Physicians on enrolling in and using the PMP.	Environmental strategy – Prescription Monitoring Program	Implement Prescription Monitoring Program training broadly to pharmacies and physicians.	Increase the number of Pediatricians, Family Practice Physicians and Pharmacists who are aware of Maine's Prescription Drug Monitoring Program. We will educate 4 Pharmacists and Medical Professionals in year 1.	The Prescription Monitoring Program utilization will increase.	