

City of Portland, Maine

Public Safety/Health & Human Services Committee

October 13, 2015

5:30 PM

Room 209, City Hall

1. Review And Accept Minutes From The 9.9.15 Meeting

Documents: [SEPTEMBER 9 2015 MEETING MINUTES.PDF](#)

2. Health And Human Services Department Update

Documents: [PSHHS COMMITTEE PUBLIC HEALTH UPDATES 10-13-15.PDF](#), [7-POINT PLAN DASHBOARD \(2015.09\)_1.PDF](#), [DASHBOARD SEPT..PDF](#), [SEPT 2015 EXPENDITURES AUTH.PDF](#)

3. Municipal Fire Alarm System (Action Item)

Documents: [MEMO PSHHS MASTER BOX MIGRATION.PDF](#), [ATTACHMENT 1 AES.PDF](#), [AES ORDINANCE AMENDMENTS.PDF](#)

4. Tour Company Licensing Ordinance Amendment (Action Item)

Documents: [MEMORANDUM - TOUR COMPANY LICENSE AMENDMENT.PDF](#), [LICENSING OF TOUR COMPANIES - 9-18-15.PDF](#)



**City of Portland, Maine
Public Safety / Health & Human Services Committee
September 9, 2015**

Meeting Minutes

Committee Attendance:

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

City Staff Attendance:

Jon Jennings, City Manager; Michael Sauschuck, Police Chief;
Jerry LaMoria, Fire Chief; Chris Corson, Public Health; Adam
Lee, corporation counsel; Keith Gautreau, Assistant Fire Chief;
Julie Sullivan, Acting Chief of Staff; Toho Soma, Director of
Public Health; Stephanie Gagne, Public Health; Kristen Dow,
Public Health

AGENDA ITEM 1 - Meeting Called to Order at 5:45pm

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

Agenda Item #2: Housing Safety Office Update (action item)

Julie Sullivan provided an overview of back-up material outlining a \$35/unit annual registration fee with available discounts to provide incentives for safer buildings. Councilor Duson questioned public process and noted tenants unions or representation were not present.

Public Comment opened at 6:55pm.

1. Jim Harmon from the Southern Maine Landlord Association supports the proposal in place and supports the stakeholder group staying in place moving forward.
2. Carl Winslow of 257 Auburn Street is a landlord and agrees with Jim and would like to see this come back to the council for review after implementation to ensure fees remain low
3. Mark Adelson, ED of the Portland Housing Authority supports the proposal but estimates approx. \$18k in fees for his group – but does believe safety is a priority.
4. Dana Totman of Avesta Housing supports the proposal and believes the process and discussion were healthy and with 600 apartments he believes this is the right thing to do.

Public Comment closed at 6:02pm

Chair Suslovic opened the discussion to committee members:

A short discussion was had regarding sprinkler requirements and the incentive is for retro-fitting. Councilor Duson asked if the City should vary inspection response for units being inspected by other agencies. Julie will do a write up to assure Councilor Duson a full complement of inspections will be done.

The committee had further discussion of discounts and the Chair suggested the committee vote to move this item forward to the full council given previously suggested timelines. The City Manager offered comments to update the committee that the Housing Safety Officer position has been offered to a top candidate who has accepted the position and will begin in the coming weeks. Chair Suslovic asked Julie Sullivan if the proposal before the committee was a product of consensus. Julie answered that yes, it was a full consensus. There were some issues to begin with smoking and sprinkler system discounts but those have passed.

A discussion was had surrounding the ordinance reflecting a registration fee that began with \$25 and increased to \$35 through the budget process. A base minimum of \$15 was proposed. A motion was made, moved and seconded on an oral amendment by Adam Lee to reflect the base minimum fee of \$15. The motion passed 3 to 1 with Councilor Duson voting against the amendment.

The committee moved to the proposed action item to include the motion as amended (above). A short discussion was had to note that councilors recognized the need to move this item forward for a higher level discussion at the full council meeting despite a lack of support for some portions of the proposal (discounts).

The Chair asked if all were in favor of the proposal as amended:

In favor: Councilors Suslovic, Brenerman and Costa
Opposed: Councilor Duson

The item passed 3 to 1 of members present. The committee discussed a schedule of a first read on September 21st and a second read on October 5th. The City Manager will poll councilor regarding a workshop and a public notice will be made to stakeholders, the task force, interested parties and the media.

Agenda Item #2 Smoking Ordinance Changes (action item)

Toho Soma provided an overview of back-up material and provided that current state law lists public clubs as exempted and there are 6 states banning smoking in clubs.

Chair Suslovic asked if it is legal to propose this for private clubs. Adam from corporation counsel said yes. Of 9 private clubs, 3 are smoke free.

Public Comment opened at 7:06pm

1. Rodney Anderson is a member of a private club who pays a fee and opposes this proposal.
2. Steve (last name unknown) was also in opposition of this proposal.
3. Abraham Dector (?) of Deering Street agrees with the proposal

Public comment closed at 7:14pm

A short discussion was had by the councilors who agreed second hand smoke is an issue. Two councilors believed this issue seemed to be a civil disagreement between one establishment and a resident that could be handled at a lower level rather than moving this item to the full council. The definition of private clubs was discussed and whether or not smoking is allowed in quasi-public clubs. It was moved to postpone this item to October to learn more about the legality of this item by Councilor Brenerman and Chair Suslovic seconded the motion.

Vote in opposition: Councilors Duson and Costa
Vote in affirmation: Councilors Brenerman and Suslovic

The motion failed and the item will not be included in the October agenda.

The next item before the committee (smoking in public spaces) was recommended to be passed as an amendment for a council order. Seeing no members of the public wishing to comment, a motion was made to pass the amendment and seconded. This item passed unanimously of all four councilors present. This is an item requiring two reads before the council.

Agenda Item #4 Municipal Fire Alarm System Update

Assistant Chief Gautreau and Chief LaMoria provided an overview of the back-up material and essentially wanted to give the committee a heads up that the department is currently in the process of a two year migration from a wired alarm system in Portland to a wireless alarm system. The committee will be asked to vote on ordinance changes at the October meeting that will include some fee changes as well. A short discussion was had surrounding the reason for the change and potential cost to the City and subscribers. That information will be presented in full at the next meeting.

Agenda Item # 5 Quarterly Update on Mayor's Subcommittee on Substance Abuse

Chris Corson provided an overview on back-up material and discussed efforts to increase safe storage and disposal of sharps in Portland. The group is working with businesses and schools on messaging and educating folks to keep prescriptions out of reach.

Chief Sauschuck gave a brief overview of Portland's current status with overdose related deaths in Portland that led to Governor LePage and Senator King hosting drug summits to discuss education/prevention/rehab/treatment options. Chief Sauschuck gave a brief presentation at the Governor's summit on a municipal approach. The City Manager complimented the Mayor's subcommittee and noted there is no funding for a city owned resource center. A discussion was had surrounding substance abuse driving crime rates and opportunities for drug take back events. All opportunities for funding are being considered.

With no further business to attend to the committee adjourned at 8:38pm



City of Portland Public Safety, Health and Human Services Committee

Public Health Division Update

October 13, 2015

- Health Inspector Tom Williams was named the City's Employee of the Month for October 2015.
- The Violence Prevention Program received a \$500,000 grant from the Department of Justice to continue its Portland Defending Childhood project to serve children exposed to violence. Portland was one of just two award recipients nationally to have their full request funded.
- The India Street Clinic is partnering with Apothecary by Design and Portland Community Health Center to provide 1,000 free seasonal flu shots to uninsured adults, in response to the State not providing free adult flu shots this year.
- The seasonal flu shot schedule can be found at <http://portlandmaine.gov/DocumentCenter/View/10151>, and will be updated as more are scheduled.
- The Chronic Disease Prevention Program received \$160,000 from the State to address youth alcohol and marijuana use, and prescription drug abuse.
- A contract has been signed with AthenaHealth to implement electronic medical records at our clinical sites. Implementation and training will begin shortly.

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION

**PUBLIC SAFETY, HEALTH & HUMAN SERVICES COMMITTEE
7 POINT PLAN TO END HOMELESSNESS**

**UPDATE
September, 2015**

**GOAL #1
CASE MANAGEMENT**

The Task Force recommends case management services be expanded to people who are homeless and those case management delivery systems follow client needs, rather than reimbursable service delivery models

Oxford Street Shelter

	September 2014	September 2015
Housing Placements	15	22
Individuals Served	573	529
Shelter Occupancy	140%	136%
Veterans Served	28 322 Bed Nights	34 487 Bed nights

Family Shelter

	September 2014	September 2015
Housing Placements	14 Families/ 44 Individuals	10 Families/ 39 Individuals
Individuals Served	65 Families/ 211 Individuals	46 Families/ 154 Individuals
Shelter Occupancy	142%	118%
Veterans Served	5 Families 5 Individuals	1 Families 1 Individuals

**Occupancy is over for both shelters due to overflow facilities being utilized.*

**Family Shelter capacity increased by 10 beds in November, 2014*

**GOAL #2
RAPID REHOUSING**

The task force recommends a focus on providing appropriate permanent housing and support in the community for individuals, families and youth as quickly as possible.

70 initial Long Term Stayer Single Adults in need of Permanent Housing

- 34 remaining
- 8 additional due to be housed in October

TBRA

- 27 Individuals Assisted
- \$25,113 spent

Home To Stay

- 24 Active Cases
- 38 Subsidies Provided

Program started March, 2014

**GOAL #3
INCREASED OUTREACH**

Goal: Conducting assertive, community-based outreach

HOME Team (Year-to-Date)

- 2,579 Encounters
- 724 Transports
- 304 Individuals Served

GOAL #4

ZONING CONSTRAINTS

Goal: Explore Portland's zoning requirements so that all neighborhoods are equal candidates for emergency shelters, dispersed service locations or specialized care housing as a conditional use.

Study/Assessment of commercial corridors R-6 & R-7

*Planning & Urban Development Department
Ann Machado, Zoning Specialist*

**Zoning has been changed on Bishop Street to accommodate the Housing First Program*

GOAL #5

SPECIAL POPULATION HOUSING

Goal: Coordinate behavioral and primary care treatment for people in the shelter system. Increase housing opportunities for people who are homeless and are struggling with addiction. Increase employment opportunities for people who are homeless and are struggling with addiction and mental illness.

United Way Feasibility of Medical Respite Program

- *Dan Coyne, United Way*

	June 2014	June 2015
York County Shelter (YCS) Placements	0	0

GOAL #6

HOUSING FIRST PROGRAM

Goal: Reduce the number of long term/chronically homeless in Portland. Increase specific housing options to include transitional and permanent supportive housing models.

Update on \$50,000 RFP for Housing First Program

Avesta Housing Project

GOAL #7

SECTION 8 HOUSING VOUCHERS

Goal: Work in partnership with landlords to increase access to housing stock which will increase available rental opportunities for people who are homeless. Create/expand resources for landlords to work through issues with tenants.

Section 8 Housing Vouchers made available by:

- Portland (40- primarily CLIP vouchers)
- Westbrook (unspecified amount)
- South Portland (2)

CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION

SEPTEMBER 2015 DASHBOARD

OXFORD STREET SHELTER

New Intakes (unduplicated)					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
200	534	155	427	↓	↓

Bed Nights					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
6,503	19,987	6,279	19,771	↓	↓

Housing Placements*					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
15	57	22	71	↑	↑

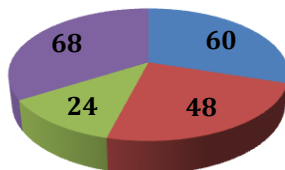
**Starting November, 2013, OSS shifted housing placement priorities to their long-term stayers. This was to make more quality placements, resulting in lower bed nights*

Veterans Served**					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
28	52	34	45	↑	↓

***Veteran status is based on self-reporting
† Unduplicated Veterans served*

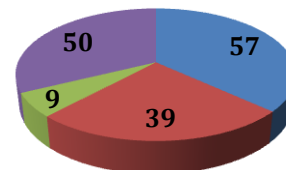
**Oxford Street Shelter
Intake Residency
September 2014**

■ Out of Town ■ Out of State ■ Out of Country ■ Portland



**Oxford Street Shelter
Intake Residency
September 2015**

■ Out of Town ■ Out of State ■ Out of Country ■ Portland



CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION

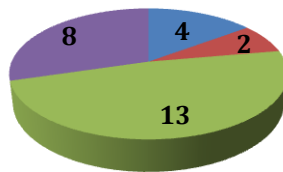
SEPTEMBER 2015 DASHBOARD

FAMILY SHELTER

New Intakes (unduplicated families)					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
27	84	7	29	↓	↓
Bed Nights					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
4,422	12,459	3,689	13,689	↓	↑
Housing Placements (families)					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
14	48	10	24	↑	↓
Veterans Served (families)					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
5	9	1	1	↑	↓

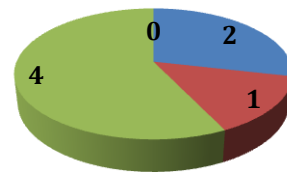
**Family Shelter
Intake Residency
September 2014**

■ Out of Town ■ Out of State ■ Out of Country ■ Portland



**Family Shelter
Intake Residency
September 2015**

■ Out of Town ■ Out of State ■ Out of Country ■ Portland



CITY OF PORTLAND
HEALTH & HUMAN SERVICES DEPARTMENT
SOCIAL SERVICES DIVISION

SEPTEMBER 2015 DASHBOARD

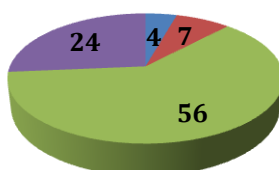
GENERAL ASSISTANCE

New Intakes (cases)					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
91	283	66	191	↓	↓
Total Applications (unduplicated)					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
1,002	1,348	862	1,245	↓	↓
Total Applications Granted (unduplicated)					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
946	1,228	805	1,142	↓	↓
Total Applications Denied (unduplicated)					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
56	120	57	103	↓	↓
Billable Expenditures Granted					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
\$410,162	\$1,024,792	\$247,793	\$816,870	↓	↓
Non-Billable Expenditures Granted					
September 2014	2015 Fiscal YTD	September 2015	2016 Fiscal YTD	Desired Trend	Fiscal YTD Trend
\$262,703	\$717,751	\$240,357	\$801,796	↓	↑

All clients were "billable" until June 17, 2014

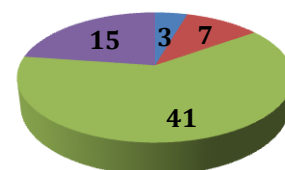
**General Assistance
Intake Residency
September 2014**

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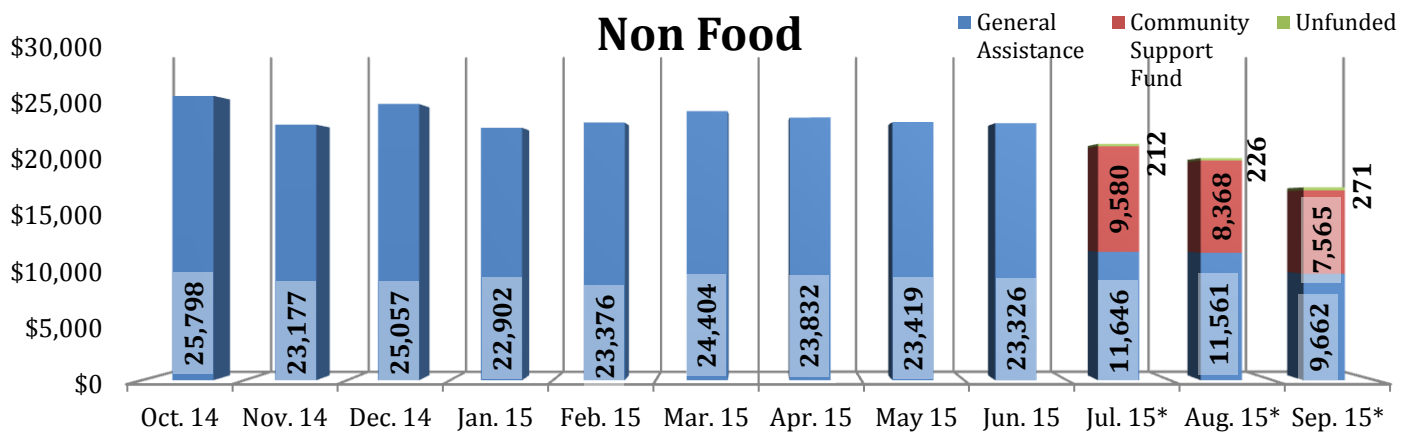
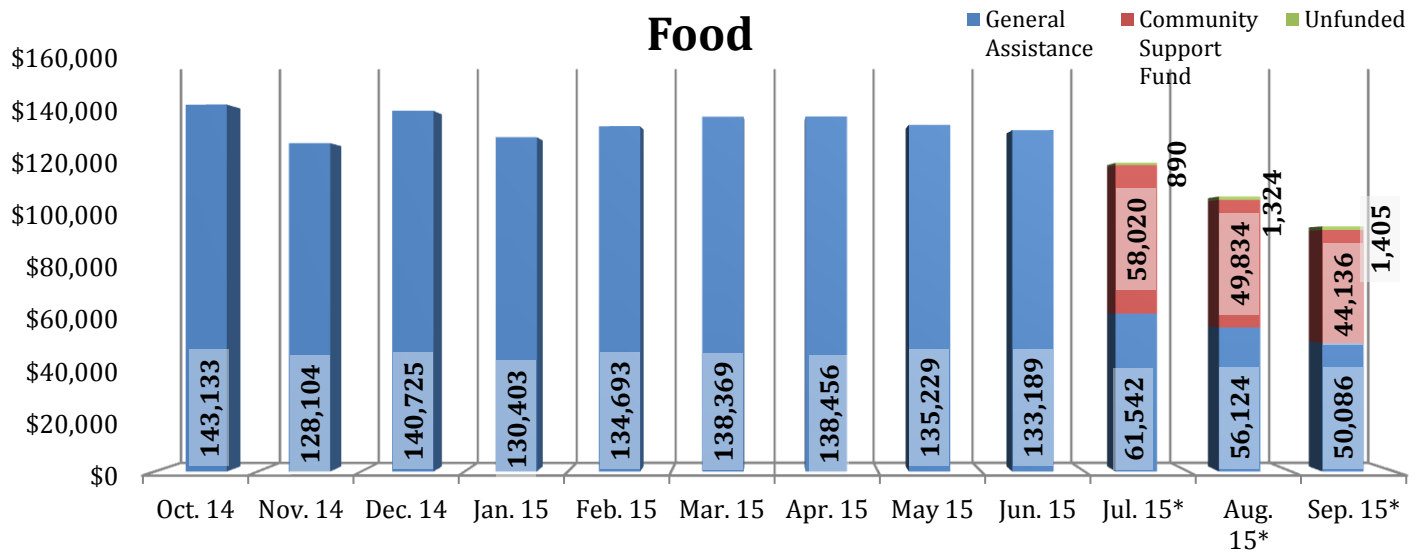
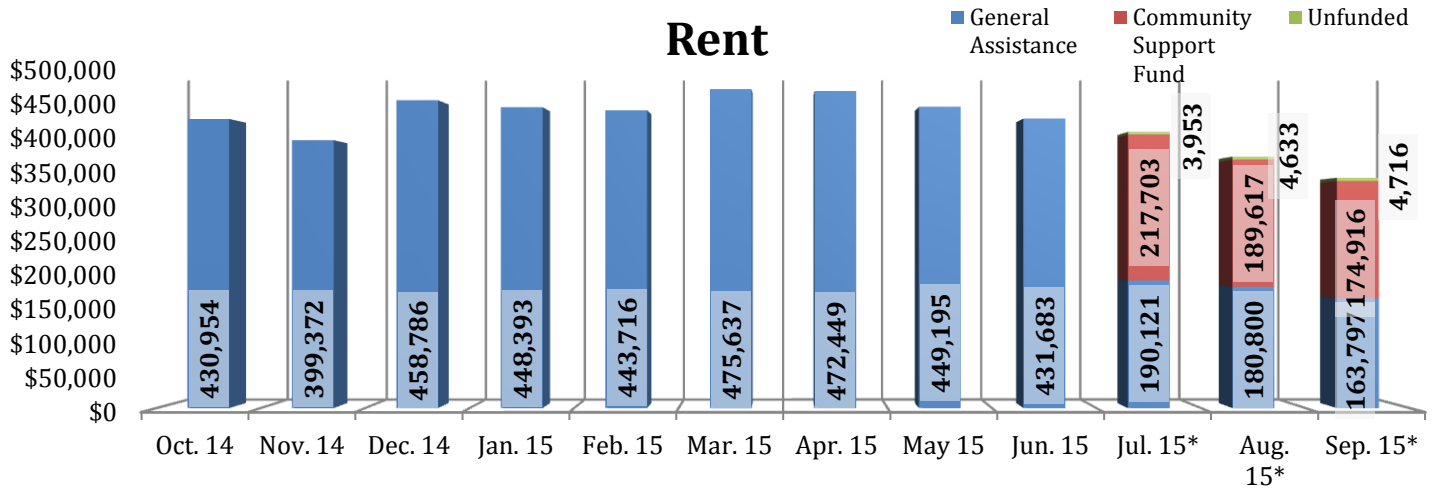
**General Assistance
Intake Residency
September 2015**

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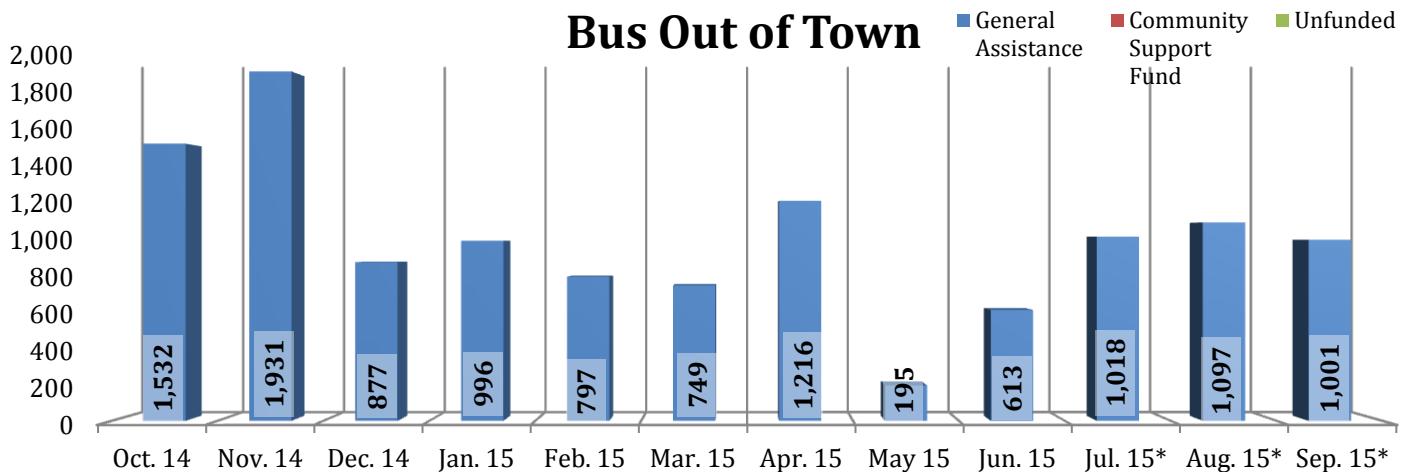
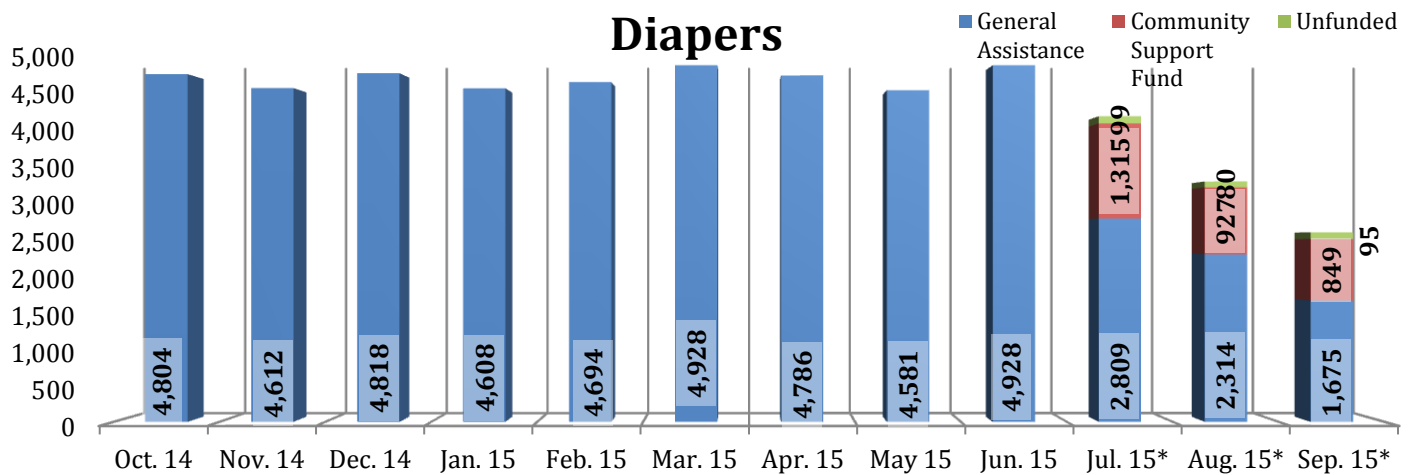
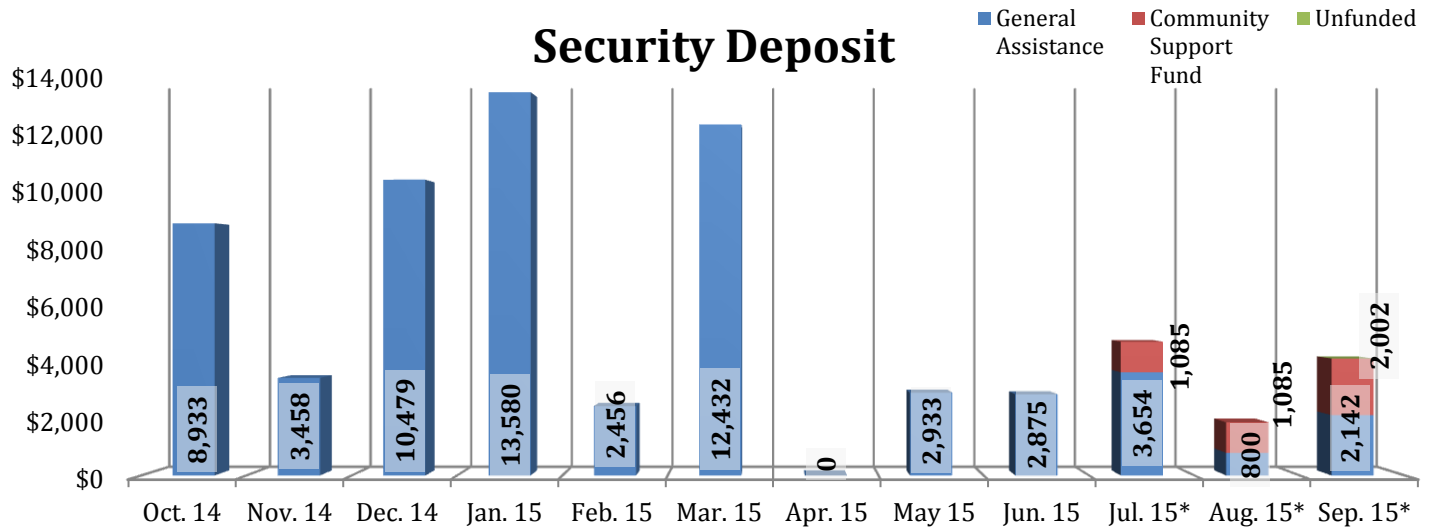
General Assistance and Portland Community Support Fund Voucher Expenditures Authorized

October 2014 – September 2015



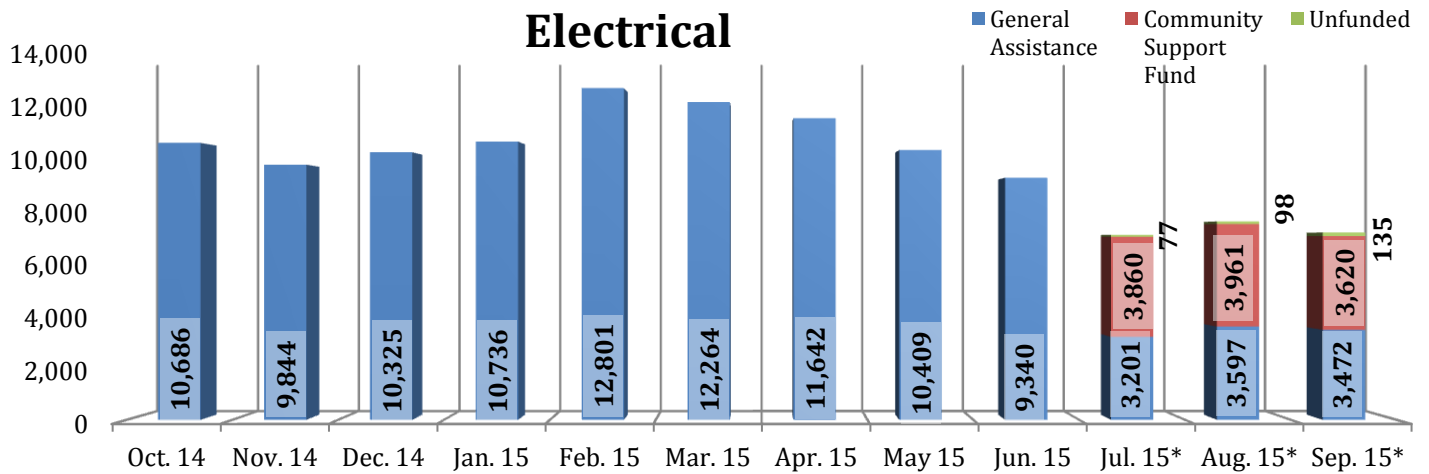
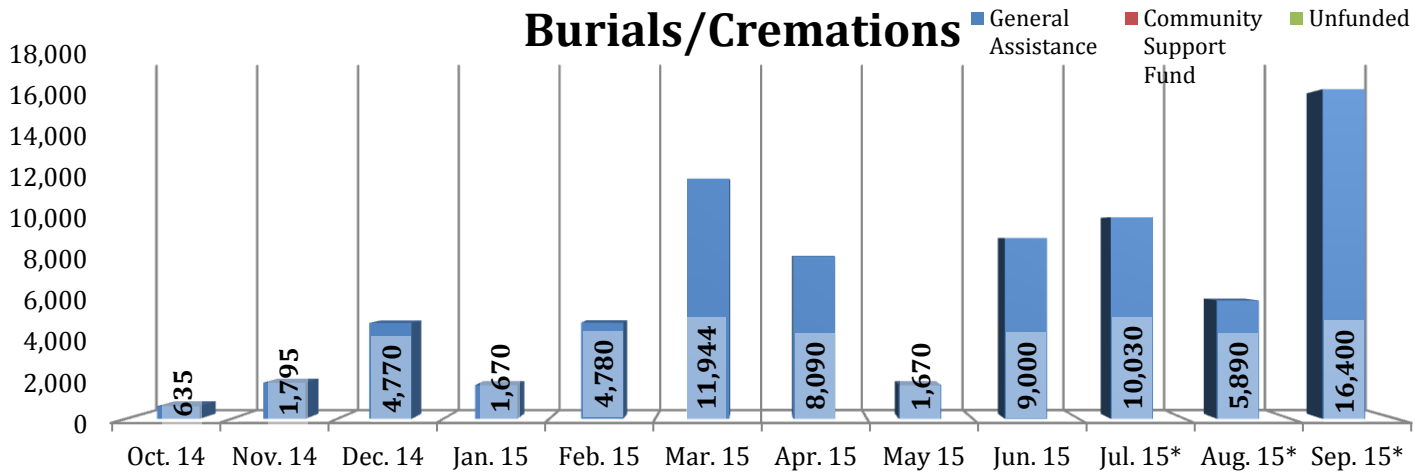
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October 2014 – September 2015



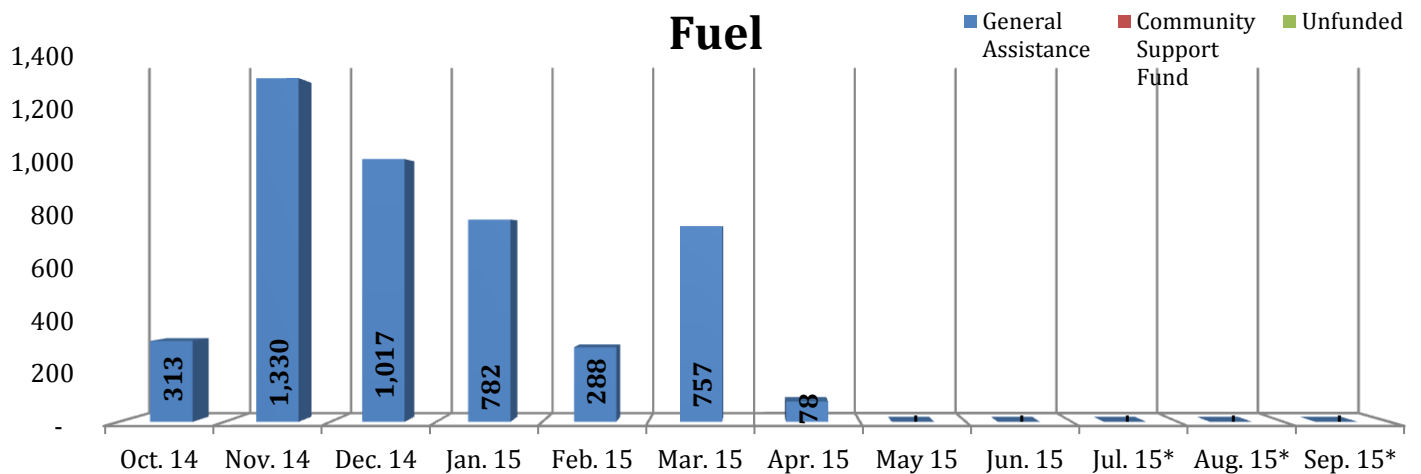
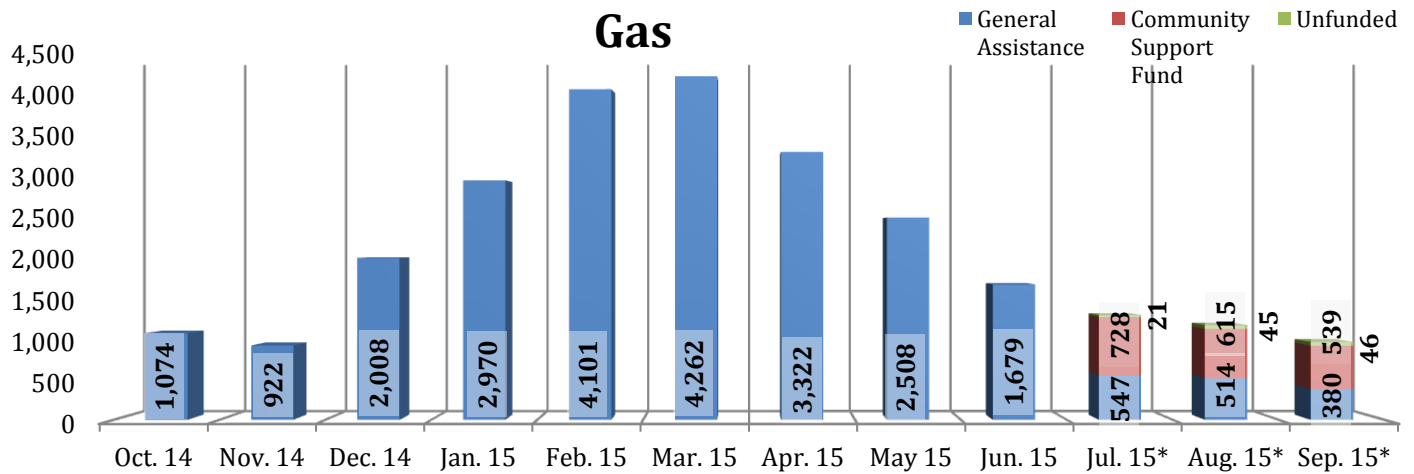
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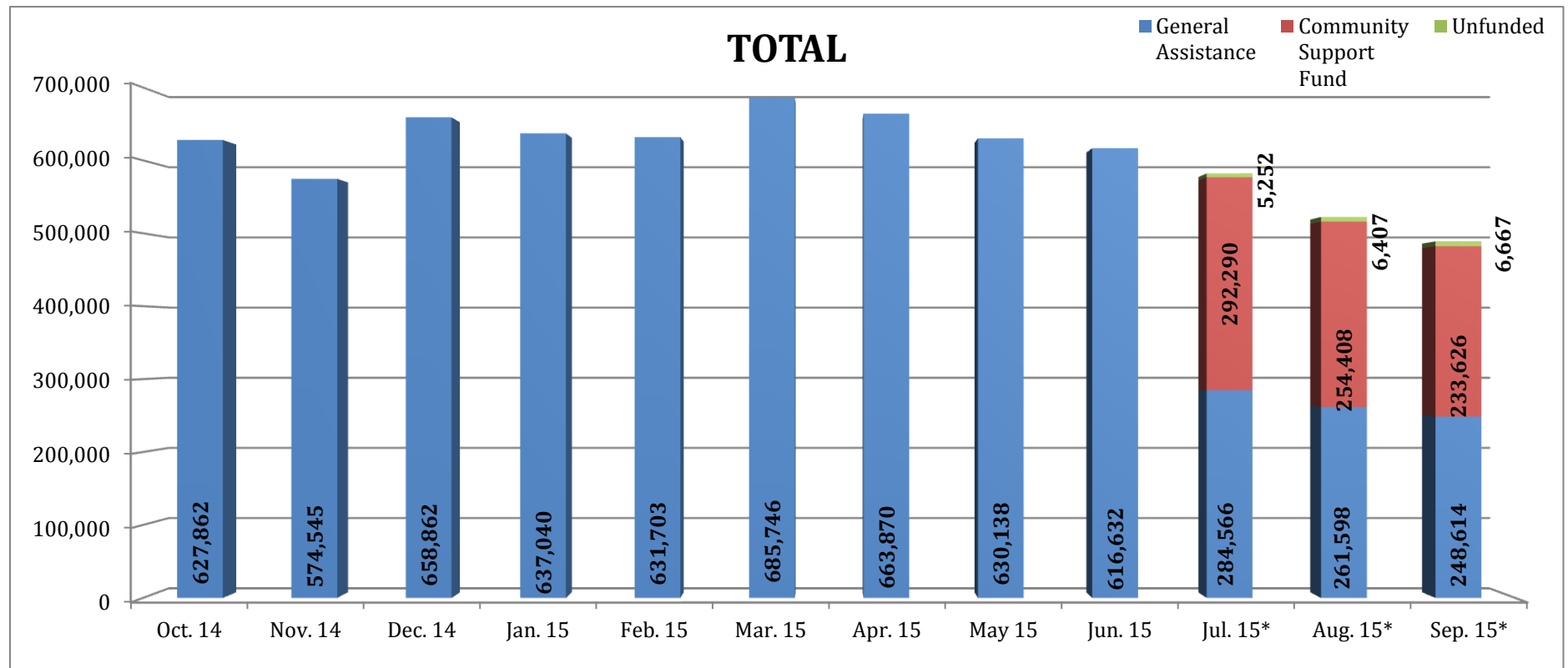
General Assistance and Portland Community Support Fund Voucher Expenditures Authorized

October 2014 – September 2015



General Assistance and Portland Community Support Fund Voucher Expenditures Authorized

October 2014 – September 2015



Total Expenditures does not include prescriptions, shelter payments, Logan House, or direct-to-vendor GA payments.

September 2015 Expenditures Authorized*

\$488,907

\$248,614 (GA Reimbursable)
\$233,626 (Community Support Fund)
\$6,667 (Unfunded)

September 2014 Expenditures Authorized

\$605,849

Expenditures are down

19%

\$116,942



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: October 5, 2015

Re: Migration to Wireless Technology (AES Masterbox)

Purpose: The purpose for this presentation is to inform the Committee members of our current Municipal Fire Alarm System and the reason for upgrading to newer technology. Portland's current system consists of three types (**see below**) which have been in service since the 1970's. The system uses mechanical transmitter with overhead and underground wiring to send a fire alarm signal to the dispatch center for emergency response. There is approximately 400 miles of old and tattered wire that requires constant maintenance and troubleshooting resulting sometimes in overtime for staff and technicians to mitigate. These circuits and system have been in need of an upgrade for a few years now. If the system fails we stand to have over two hundred buildings without fire protection and given the amount of time spent on maintenance the last few years the time to upgrade has come. The Fire Department is recommending moving the current subscribers (**see Master Boxes in Buildings in table #1 below**) of the old mechanical wired Municipal System to a wireless technology. In short, in an effort to avoid lack of fire protection in a large number of buildings the Fire Department is recommending to force current subscribers by City Ordinance (Chapter 10) to move to the wireless technology AES Transmitter (American Electronic Security). This is the type of technology that is being used by all new buildings that meet the requirement of our Chapter 10, Fire Prevention in City Ordinance.

Existing Municipal Fire Alarm System:

- 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 Alarms which are in structures or buildings
 - (See Attachment #1 for required buildings)
- The City has removed 119 of the **EVCS Boxes** electronically.
 - Due to lack of repair parts
 - System was installed in the late 70's & has created a liability issue
 - 90% of our Fire Alarm Technician call backs were for nuisance alarms
 - Pedestals are rusting below ground level which will eventually require costly replacement

Advantages to the new Wireless Municipal Alarm System:

- Low maintenance costs to the City
- The subscriber assumes the role of maintaining their wireless unit
- 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
- AES Technology has the ability to monitor for security in City Buildings as well

CITY MASTER BOX SUMMARY

Table #1

BOX ALARM TYPE	
EVCS BOXES REMOVED	119
EVCS BOXES IN SERVICE	0
AES WIRELESS BOXES IN SERVICE	156**
MASTER BOXES IN BUILDINGS	249
CITY BOXES ON THE STREET	167
TOTAL ESTIMATED BOXES IN SERVICE as of 6/10/15	572

**** Does not include South Portland's 6 AES Boxes or 7 Security AES Boxes in Portland.**

Estimated Cost

Subscribers:

The cost to current subscribers to convert over to the new wireless technology is approximately \$1,500 - \$2,000. The City's cost would be 1-2 hours labor per location from our Fire Alarm Technician (Dick Andrews) programming and testing the installation.

What the City charges for a new AES Box installation:

New AES Box Installation = \$500 which includes

- \$275.00 (One time connection fee)
- \$225.00 (annual monitoring fee) Approx. \$80,000 in revenue yearly.

Cost for City Buildings:

The cost to the City would be \$750 per Box. The City's Fire Alarm Technician can legally install the equipment so there is no need to contract a Private Fire Alarm company.

City Buildings that require a conversion:

Table #2

	LOCATION	EST. COST
1.	Police Station	\$750.00
2.	City Hall / Merrill Auditorium	\$750.00

3.	Munjoy Fire Station	\$750.00
4.	Maine State Pier (40 Commercial St.)	\$750.00
5.	Air Rescue Station	\$750.00
6.	Barron Center (2 AES Boxes)	\$1,500.00
7.	Public Services Vehicle Maint. Garage**	\$750.00
8.	Public Services Plow Bay**	\$750.00
9.	85 Hanover Trades / Traffic**	\$750.00
10.	East End School	\$750.00
11.	Presumpsot School	\$750.00
12.	Lyman Moore School	\$750.00
13.	Lyseth School	\$750.00
14.	Reiche	\$750.00
15.	King Middle	\$750.00
16.	Hall School	\$750.00
17.	New Douglas School	\$750.00
18.	Lincoln Middle	\$750.00
19.	Cliff Island School / Cliff Island Fire Station	\$750.00
ESTIMATED TOTAL=		\$15,000.00

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

The following buildings, as classified by the NFPA 101 Life Safety Code, 2009 edition, shall be connected by master box alarm system to the dispatch center where another section of this code requires such buildings to have a fire alarm system:

(A) New and existing structures including the following:

- (1) Places of assembly;
- (2) Educational facilities including post-secondary;
- (3) Day-care facilities, excluding day-care homes;
- (4) Health care facilities;
- (5) Ambulatory health care facilities;
- (6) Nursing homes;
- (7) Large residential board and care facilities;
- (8) Detention and correctional occupancies;
- (9) Hotels, motels and dormitories;
- (10) Apartments for the elderly;
- (11) Mercantile occupancies;
- (12) Industrial occupancies;
- (13) High-rise buildings.

(B) New buildings including the following:

- (1) Residential occupancies (20 or more units).

(C) The following buildings shall be connected by master box alarm system to either the dispatch center or an approved private central station:

- (1) Buildings containing high hazard contents;
- (2) Special structures as determined by the fire chief.

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

Sec. 10-100. Purpose; definitions.

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

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

Alarm number means any number assigned by the fire chief to a building which is connected by a fire alarm system to an approved private central station.

Alarm user means any person whose building is connected to either the Dispatch Center of the City of Portland fire department or an approved private central station.

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

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

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

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

Master box alarm system means any mechanism or device, including protective signaling systems, designed for the detection of heat, smoke or fire requiring an immediate response by the fire department and which automatically emits a signal to the dispatch center.

Person means any individual, firm or corporation.

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

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

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(a) *New and existing structures including the following:*

- (1) Places of assembly;
- (2) Educational facilities including post-secondary;
- (3) Day-care facilities, excluding day-care homes;
- (4) Health care facilities;
- (5) Ambulatory health care facilities;
- (6) Nursing homes;
- (7) Large residential board and care facilities;
- (8) Detention and correctional occupancies;
- (9) Hotels, motels and dormitories;
- (10) Apartments for the elderly;
- (11) Mercantile occupancies;
- (12) Industrial occupancies;

(13) High-rise buildings.

(b) *New buildings including the following:*

(1) Residential occupancies (20 or more units).

(c) The following buildings shall be connected by master box alarm system to either the dispatch center or an approved private central station:

(1) Buildings containing high hazard contents;

(2) Special structures as determined by the fire chief.

New buildings shall be connected to a City approved wireless Master Box Alarm System prior to the issuance of any certificate of occupancy.— Prior to January 1, 2018, all buildings required to be connected by Master Box Alarm System shall convert their existing mechanical Master Box Alarm System to a City of Portland approved wireless Master Box Alarm System. ~~Existing buildings shall be connected within eighteen (18) months of the effective date of this article, provided, however, that the fire chief may, in writing, grant up to a six month extension upon a clear showing of unusual practical difficulty or undue financial hardship.~~

Each master box alarm system shall be installed, maintained, inspected and tested in accordance with all applicable codes and regulations. Each alarm user shall, prior to occupancy, produce satisfactory evidence of compliance with this paragraph to the fire chief.

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

Sec. 10-102. Master box connections to the dispatch center.

(a) *New connections.* No buildings, other than those listed in section 10-67 of this article and those which, if new, would be required to connect under subsection (b) hereof shall, after the effective date hereof, be permitted to connect by master box alarm system to the dispatch center. Any person eligible to make a connection hereunder may apply to the fire chief on a form to be devised by him for such purpose. Said application shall contain insurance and indemnification requirements as determined by the fire chief. Applications shall be acted upon when complete, provided, however, that nothing herein shall require the fire chief to approve any application or to provide or maintain sufficient capacity for such connections as may

otherwise be eligible hereunder. No connection shall be made without prior payment of the new connection and annual maintenance fees prescribed in this section, and unless the fire chief first finds that the building to be connected and the alarm system meet all applicable codes and regulations. All connections shall be made by the alarm user under the direction and supervision of the fire chief and at the alarm user's expense, except that final connection to the dispatch center shall be made by the fire chief.

(b) *Existing connections.* Any alarm user having an existing connection by master box alarm system to the dispatch center, whether or not connecting a building listed in section 10-67 of this article, shall, within thirty (30) days of written notice by the authority having jurisdiction, elect, in writing whether or not to retain the connection. Any alarm user electing to retain a connection shall simultaneously therewith pay the annual maintenance fee prescribed in this section. Any alarm user electing not to retain a connection, and any alarm user failing to make an election, shall forthwith be notified in writing by the fire chief of the impending disconnection of the alarm system, which shall be disconnected by the fire chief as soon thereafter as practicable.

(c) *Connection and maintenance fees.* The following fees shall apply to each fire alarm system connected to the dispatch center:

(1) New connection fee \$500.00

(2) Annual maintenance fee 225.00

Except that for each
additional alarm system
at the same location 100.00

(3) Conversion of mechanical
Master Box Alarm System to
Wireless Mater Box Alarm
System 275.00

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First-time payments of the annual maintenance fee shall be prorated over the number of months, including any fraction thereof, remaining between the date of payment and the following June thirtieth, provided, however, that in no case shall the fee be reduced to less than half. The annual maintenance fee shall thereafter be due and payable in full on July first. If payment

is not made within thirty (30) days thereafter, the alarm user shall forthwith be notified in writing by the fire chief of the impending disconnection of the alarm system, which shall be disconnected by the fire chief as soon thereafter as practicable. Any unpaid charges assessed under this section shall be enforceable by lien against the property serviced by the alarm and shall be collected pursuant to section 1-16 of this Code.

(d) *Reconnections.* Any fire alarm system disconnected pursuant to subsection (b) of this section shall not be reconnected without prior payment of the annual maintenance fee prescribed in this section and a reconnection fee of one-hundred dollars (\$100.00), except that if reconnection is not made within thirty (30) days after disconnection, the reconnection fee shall be the same as the new connection fee prescribed in this section. Any alarm system disconnected at the request of the alarm user for purposes of inspection, testing or repair shall be reconnected up to three (3) times in any year at no additional charge, after which, however, the alarm system shall not be reconnected without prior payment of a reconnection fee of one-hundred dollars (\$100.00).

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

Sec. 10-103. Central station alarm number assignments.

(a) *New assignments.* Any approved private central station may apply to the fire chief on a form to be devised by him for new alarm number assignments, whether or not for buildings listed in section 2.5-26 of this article. Said application shall contain insurance and indemnification requirements as determined by the fire chief. Applications shall be acted upon as completed and received, provided, however, that nothing herein shall require the fire chief to approve any application or to provide or maintain sufficient capacity for such assignments. No assignment shall be made without prior payment of the new assignment and annual maintenance fees prescribed in this section, and unless the fire chief first finds that the central station meets all applicable operating requirements.

(b) *Existing assignments.* Any approved private central station having existing alarm number assignments, whether or not for buildings listed in section 2.5-26 of this article, shall, within thirty (30) days of written notice by the fire chief, elect in writing whether or not to retain any or all of the assignments. Any central station electing to retain any assignment shall simultaneously therewith pay the annual maintenance fee prescribed in this section. Any central station

electing not to retain any assignment, and any central station failing to make an election, shall forthwith be notified in writing by the fire chief of the impending recall of the alarm number, which shall be recalled as soon thereafter as practicable.

(c) *Assignment and maintenance fees.* The following fees shall apply to each approved private central station alarm number assignment:

(1) New assignment fee \$100.00

(2) Annual maintenance fee \$50.00

First-time payments of the annual maintenance fee shall be prorated over the number of months, including any fraction thereof, remaining between the date of the payment and the following June thirtieth, provided, however, that in no case shall the fee be reduced to less than half. The annual maintenance fee shall thereafter be due and payable in full on July first. If payment is not made within thirty (30) days thereafter, the central station shall forthwith be notified in writing by the fire chief of the impending recall of the alarm number, which shall be recalled as soon thereafter as practicable.

(d) *Reassignments.* Any alarm number recalled pursuant to subsection (b) or (c) of this section shall not be reassigned to the central station without prior payment of the maintenance fee prescribed in this section and a reassignment fee of fifty dollars (\$50.00), except that if reassignment is not made within thirty (30) days after recall, the reassignment fee shall be the same as the new assignment fee prescribed in this section.
(Ord. No. 25-10/11, 8-16-10)

Sec. 10-104. False alarm penalties.

(a) *Third response.* Once a third response to a false alarm within any calendar year has been identified by the fire chief or his/her designee, the fire chief shall give written notice of the false alarm to the alarm user within ten (10) business days, and the alarm user shall file a written report with the chief within five (5) days thereafter stating the cause of the false alarm, if known, and describing corrective action taken, if any.

(b) *Fourth, fifth and sixth responses.* For the fourth,

fifth and sixth responses to a false alarm by the fire department within any calendar year, the alarm user shall, upon demand, pay a penalty of two hundred dollars (\$200.00) per instance and shall, in the case of any equipment failure, file with the fire chief within three (3) days of notice to do so a signed statement by a qualified private alarm agent that the alarm system has been inspected and is in proper working order. In the case of human error or other cause, the alarm user shall file a written report with the fire chief describing corrective action taken, if any.

(c) *Seventh and subsequent responses.* For the seventh and subsequent responses by the fire department to a false alarm within any calendar year, the alarm user shall, upon demand, pay a penalty of three hundred and fifty dollars (\$350.00).

(d) *Written notice deemed complete.* Written notice by the fire chief shall be complete upon leaving such notice at or in the property at the time of response by the fire department or by mailing such notice within ten (10) business days by first class mail.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 105-10/11, 12-20-10)

Sec. 10-105. Inspections by fire chief; evidence by the property owner.

(a) The fire chief may inspect or cause to be inspected any alarm system or any building protected thereby at all reasonable times to ensure compliance with the provisions of this article.

(b) At the time of annual maintenance fee payment, the property owner shall provide to the fire chief evidence from a certified alarm testing or servicing company that the fire alarms servicing any building for which such alarms are required are in proper working order.

(c) On or before December 31, 2010, each fire alarm system in the City of Portland shall have a fire alarm inspection sticker affixed to the fire alarm annunciator or the fire alarm control panel if there is no fire alarm annunciator. Fire alarm inspection stickers shall be obtained from the Fire Department. Only companies approved and registered with the Fire Department shall be permitted to obtain fire alarm inspection stickers.

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

Sec. 10-106. Rules and regulations.

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

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

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

Sec. 10-107. Violations.

A violation of any provision of this article, including the failure to pay any false alarm penalty, shall be punishable as provided in section 1-15 of this Code.

This article may be enforced by the fire chief or his or her designee through the Uniform Summons and Complaint process or through M.R. Civ. P. 80k.

In addition to the process set forth above, when the chief of the fire department, in his or her sole discretion, determines that the property owner has failed to take action to correct a faulty fire alarm system within four (4) hours of being notified of its deficiency, the chief shall have the authority, in person or through agents, to enter onto any property to have fire protection equipment repaired. The fire chief shall cause the condition to be corrected and shall send a notice of any action taken to correct an unsafe condition and the charges for the work done to the owner or the owner's authorized representative. The charges shall be payable to the city within thirty (30) days of the date of the notice. Any unpaid charges assessed under this section shall be enforceable by lien for the benefit of the city and shall be collected pursuant to section 1-16 of this Code.

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

MEMORANDUM

To: Public Safety, Health and Human Services Committee

From: Adam Lee, Esq., Associate Corporation Counsel
Richard M. Bianculli Jr., Esq., Neighborhood Prosecutor

Re Proposed Ordinance Amendment to License Tour Companies

Date: October 5, 2015

The attached ordinance amendment proposes to require a license for tour companies that currently operate in the City of Portland. Adoption of the amendment will allow Portland to ensure public safety by confirming insurance requirements, reviewing background checks for tour company owners and operators, and conducting general safety inspections on tour vehicles. Requiring a license for tour companies is a logical step towards fostering a safe and productive tourist industry.

As an unlicensed business enterprise, mobile tour companies are currently prohibited from actively soliciting customers or selling tours on streets, sidewalks and public areas pursuant to Section 25-17(a) of the Portland City Code. The provision of licenses for tour companies will ensure that tour companies are permitted to conduct their business in a reasonable manner. A majority, if not all, of the current tour operators have indicated their support for a licensing program.

Portland has required licenses for horse-drawn carriages since 1984 and bicycle cabs since 1998. The proposed ordinance amendment will include similar requirements to those found in Chapter 30 for the horse-drawn carriages and bicycle cabs. Operators are required to keep the vehicles clean and presentable. Following the initial inspection required for a license, the license inspector or any police officer is permitted to inspect the tour vehicle at any time in order to ensure compliance with safety measures and the absence of safety hazards. Unsafe vehicles would be removed from service until the compliance issue is attended to.

The Jetport staff has confirmed that they are prepared to process the license applications as they are received. Once the ordinance is adopted, city officials would develop regulations including requirements for application deadlines, inspection checklists, and the like. The inspection of the tour vehicles will be considered a pre-requisite to the application process and inspections will be conducted by the Director of Port Operations, Kathy Alves.

PROPOSED AMENDMENTS TO ALLOW LICENSING OF TOUR COMPANIES

PORTLAND CITY CODE OF ORDINANCES.

CHAPTER 15. LICENSES AND PERMITS.

ARTICLE I. IN GENERAL.

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Ch. 30, Art. III <u>IV</u>	Bicycle cabs	100.00, plus 20.00 per driver	January 31
<u>Ch. 30, Art. V</u>	<u>Tour companies</u>	<u>300.00, plus 30.00 per operator</u>	<u>March 31</u>
Ch. 30, Art. III	Horse-drawn cabs	200.00, plus 20.00 per driver	April 30

PORTLAND CITY CODE OF ORDINANCES.

CHAPTER 30. VEHICLES FOR HIRE.

ARTICLE V. TOUR COMPANIES

DIVISION 1. GENERAL PROVISIONS

Secs. 30-93. Definitions.

As used in this article, unless the context otherwise indicates, the following words shall have the following meanings:

Tour company means any individual, group, or entity that provides tours for profit to the public of any portion of the City of Portland.

Tour vehicle means any motorized vehicle or apparatus that is used to transport individuals or passengers during a tour of any portion of the City. Tour vehicles shall include, but shall not be limited to, cars, trucks, motorcycles, mopeds, and segways.

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

To operate means to pedal, push or otherwise cause the tour vehicle to move.

Sec. 30-94. 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 article.

DIVISION 2. LICENSES

Sec. 30-95. License Required.

No tour company shall ~~conduct a tour or~~ operate a tour vehicle on any street or way or in any public place without a tour owner/operator license. A separate vehicle license shall be required for each motorized tour vehicle. A non-owner tour leader or driver shall also be required to obtain a separate tour operator license. Any license issued to an operator who is less than eighteen (18) years old shall be restricted to operation between the hours of 8 a.m. to 6 p.m.

Sec. 30-96. Applications.

In addition to the general provisions of chapter 15 relating to the contents of applications, applications for tour company licenses shall contain the following:

(a) A complete listing of all operators to be employed by or associated with the applicant, giving each person's full name, age and present address.

(b) A complete record (**Maine Criminal History Record search**) of disqualifying criminal convictions or civil offenses as defined in Section 30-33(b)(3-6), 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.

(c) A detailed description of each tour vehicle and any other equipment to be used by the applicant, including a photograph of each tour vehicle and the make, model, color, year, power, and seating capacity specifications of each such vehicle.

Sec. 30-97. Licensing authority and regulations.

Notwithstanding any provision of chapter 15 to the contrary, the City Manager or his or her designee shall be the licensing authority for the owner/operator, vehicle, and operator licenses. The City Manager or his or her designee shall also have the authority to promulgate rules and regulations for tour licenses as he or she may deem necessary.

Sec. 30-98. Conditions precedent to issuance.

Prior to the issuance of any tour company 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 operator that the tour company to be licensed and all operators thereof comply with the rules made under authority of this article by the licensing authority; 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 or other liability insurance policies in this state for injuries to persons and property resulting from the use and

operation of the tour company to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in the amount of not less than four hundred thousand dollars (\$400,000.00) 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. The City shall be included in the policy as an additional named insured.

Sec. 30-99. Denial, suspension, or revocation.

In addition to the general provisions of chapter 15 relating to the grounds for denial, suspension or revocation of license, a tour company, tour operator, or tour vehicle license may be denied, suspended or revoked on any of the following grounds:

(a) The applicant or licensee or any operator is less than seventeen (17) years of age or has had a disqualifying criminal conviction or civil offense as provided in Section 30-33(b)(3-6);

(b) Disobeying any order or direction of the city traffic engineer, the license inspector, or any police officer; or

(c) Causing or permitting any violation of this article or chapter 25.

DIVISION 3. OPERATING REQUIREMENTS

Sec. 30-100. Operation limited to roadways; carrying of passengers; prohibited locations.

Licensed tour vehicles shall be operated within roadways only. Tour vehicles shall not be operated upon sidewalks or bicycle paths, except those paths specifically designated for that purpose by the Director of Parks and Recreation. Tour vehicles may carry passengers to locations chosen by the passengers or may follow an agreed-upon route for sightseeing purposes. The city traffic engineer shall have the right to prohibit tour vehicles from streets or roadways where the operation of such vehicles will present a threat to the safety of the tour vehicle operator and passengers or to other users of the street or roadway. The traffic engineer also shall have the authority to erect appropriate signs or markers, and to impose such conditions on the use of routes and locations as he or she deems proper, including limiting the number of such tour 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 accordance with traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person. In no event shall a tour vehicle utilize a designated taxicab stand for any purpose whatsoever, unless required for an immediate response to an emergency situation. Tour vehicles shall not be permitted at the Jetport.

Sec. 30-101. Not to obstruct traffic; police orders.

No tour company or tour vehicle 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 company or 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.

Sec. 30-102. 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 tour companies and tour vehicles.

Sec. 30-103. Display of plate and badge.

A plate, to be issued by the director and bearing an identification number shall be displayed in a conspicuous place on each licensed tour vehicle 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 tour company or tour vehicle, shall be worn prominently on his or her person by each such operator at all times while on duty.

Sec. 30-104. Solicitation of business.

No person shall solicit business in any manner for any licensed tour company or tour vehicle while on route. Prohibited 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 detrimental to the image or reputation of the trade or the public safety or convenience.

The City Manager or his or her designee may restrict the solicitation of business to certain designated areas within a specified zone in certain high-traffic areas.

Sec. 30-105. Passengers to be seated and well-behaved.

No operator of any tour company or tour vehicle shall load or admit more passengers at any one (1) time than may be fully seated in such tour vehicle. Every passenger in any such tour 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.

Sec. 30-106. Care and maintenance of tour vehicle.

Each licensed tour vehicle shall be at all times clean and in good repair.

Sec. 30-107. Conduct and appearance of operators; rule-making authority.

Every operator of a licensed tour company or tour vehicle shall be courteous at all times when 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 City Manager 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.

Sec. 30-108. Unsafe vehicles; inspections; order from service.

No licensed tour vehicle shall be operated at any time while unsafe, defective or in disrepair. Any police officer or the license inspector may inspect a tour vehicle at any and all reasonable times, prior to being placed into service, while in service, or otherwise, and may at any time order such vehicle to be removed from service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon re-inspection by such officer, the license inspector or the licensing authority, and upon a finding that such repair has been made or that such defect or unsafe condition has been corrected.

Sec. 30-109. Storage of vehicles and equipment.

No tour vehicle or related equipment shall be kept or stored on any street or way or in any public place while not in service.