

Order 165-15/15

Amended to change the cost of work fees in §6-17(a) (1) and (3) to “\$25.00 + \$15.00 per \$1,000.00 above \$1,000.00”: 7-0 (Mavodones, Duson absent) on 3/7/2016

Motion to refer to the Planning Board grandfathering cost of work fees for projects approved on or before March 8, 2016 in §6-17(a) (1) and (3) at “\$25.00 + \$11.00 per \$1,000.00 above \$1,000.00”: 5-2 (Hinck, Costa opposed, Mavodones, Duson absent) on 3/7/2016

Motion to refer to the Planning Board changes to the affordable housing cost of work discount and eligibility for discount: 7-0 (Mavodones, Duson absent) on 3/7/2016

Passage as an Emergency: 7-0 (Mavodones, Duson absent) on 3/7/2016

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
EDWARD J. SUSLOVIC (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)  
JILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE**

**Re: REORGANIZING PLANNING AND OTHER DEPARTMENT DIVISIONS INTO A  
NEW DEPARTMENT OF PERMITTING AND INSPECTIONS**

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

1. *That Section 2-17 is hereby amended to read as follows:*

**Sec. 2-17. Additional duties assigned.**

In addition to the duties imposed on them by the Charter, state law and ordinance of the city, the City Council or the City Manager, the following officers shall perform the additional duties list below:

(a) *City Clerk:*

...

(h) *Director of Planning and Urban Development* *Director of Permitting and Inspections:*

1. *Unless otherwise designated, The Director of Planning and Urban Development and the Director of Permitting and Inspections the Department of Planning and Urban Development* shall be considered as the Building Authority. ~~*and*~~

2. *The Director of Planning and Urban Development shall be* the Planning Authority of the City. ~~*.*~~

2. ~~*The Director of Planning and Urban Development shall supervise, manage and control the*~~

~~Department of Planning and Urban Development. Such department shall consist of the following divisions: Planning, Building Inspection, Housing Inspection, Relocation and Housing Rehabilitation.~~

3. The Director of Planning and Urban Development shall be secretary to the Planning Board ~~and shall perform and be responsible for all other duties previously performed or required to be performed by the Planning Director or the Planning Department.~~
4. ~~Through the Division of Housing Inspection, the~~ Director of Permitting and Inspections or his or her designees shall exercise such authority and enforce such laws, ordinances and regulations pertaining to residential dwellings as the agent of the Director of Health and Social Services.
5. ~~Through the Division of Neighborhood Rehabilitation, t~~The Director of Planning and Urban Development or his/her designee shall approve and negotiate housing rehabilitation loans and grants and manage all loan and grant activities concerning residential units, including the repayment thereof to the City through the Finance Department, and he or she shall be responsible for contract administration and disbursement of all funds to housing rehabilitation agencies from whatever source such funds are derived.
6. ~~Through the Division of Neighborhood Rehabilitation, t~~The Director of Planning and Urban Development or his/her designee shall be responsible for administrative oversight of public improvement programs implemented by other City departments in neighborhood conservation areas and shall advise and assist such departments in the development of such programs, and he or she shall also advise and assist the Planning Director in the delineation of new neighborhood conservation areas.
7. ~~Through the Division of Building Inspection, the Director shall exercise such authority and~~

~~perform such duties as were formerly exercised or performed by the Building Inspector or the former Department of Building Inspection Services. Wherever in this Code there appear the terms "Building Inspector," "Department of Building Inspection Services," etc., they shall be construed to mean the Director of Planning and Urban Development.~~

~~8. Through the Division of Relocation, the Director shall furnish relocation assistance to occupants of real property acquired by the City to the extent such assistance is required by law.~~

79. In addition to the aforesaid, the Director of Planning and Urban Development shall undertake such duties or responsibilities with respect to the Community Development Program as the City Manager may from time to time direct, and with the approval of the City Manager, he or she may employ additional assistants to administer grants obtained as part of the community development program whose salaries shall be paid for out of the grant budget.

~~810.~~ The Director of Permitting and Inspections ~~of Planning and Urban Development~~ is hereby designated an agent of the health officer to exercise such authority and enforce such laws, ordinances and regulations pertaining to potential health hazards in residential, industrial, and commercial buildings and including but not limited to the following: investigation and oversight of local food service establishments, control of rabies, control of insects and rodents, control of refuse and its disposal, and investigation of lead paint.

2. That Section 3-27 is hereby amended to read as follows:

**Sec. 3-27. Application.**

Application for a bottle club license shall be filed in accordance with chapter 15. In addition to the requirements of that chapter, an applicant for a bottle club shall furnish the Department of Permitting and Inspections ~~elerk~~ with the following:

- (a) An affidavit which identifies all principal officers, their places of residence at the present time, and for the immediately preceding three (3) years;
- (b) A description of the premises for which a license is desired which shall set forth such other material information, description, or plan of that part of the premises where it is proposed to consume or keep liquor as the clerk or the city council may require.

3. That Sections 4-27, 4-51, and 4-81 are hereby amended to read as follows:

**Sec. 4-27. Notice and hearing.**

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

...

**Sec. 4-51. Required.**

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

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

- (1) Operations under such separate license shall end at 3:00 a.m.

...

- (5) In addition to the after-hours license, at least seven (7) days in advance of each event, the license holder shall deliver a written notice to the ~~Department of Permitting and Inspection~~clerk's office during normal business hours specifying the date upon which the event will be held. The ~~Department of Permitting and Inspection~~city clerk will forward the notice

immediately to the police department, track the number and frequency of events per licensee per calendar month and inform a licensee if an event is not allowed.

...

**Sec. 4-81. Applications and fees.**

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

4. That Sections 6-1, 6-17, 6-51, 6-68, 6-115 and 6-132 are hereby amended to read as follows:

**Sec. 6-1. Penalties.**

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

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

...

**Sec. 6-17. Fee Schedule.**

The applicant shall submit the cost of work in order to determine the permit fee. If the construction cost submitted is less than that as indicated by national standards such as BOCA International or the R.S. Means Company, Inc., the City of Portland reserves the right to reevaluate the proposed project cost based on the referenced national standard and assess the larger of the fees. All building permit applications shall be accompanied by the appropriate fee as established below:

- (a) Construction work:
  - (1) Cost of work fees:

Up to \$1,000.00 . . . . . \$25.00  
\$1,000.00 or more . . . . . \$25.00 + \$-1~~651~~.00 per  
\$1,000.00 above \$1,000.00

(2) Belated fees:

Below \$25.00 permit fee . . \$50.00 additional  
Above \$25.00 permit fee . . \$100.00 additional

(3) Amendments to application:

Up to \$1,000.00 . . . . . \$25.00  
\$1,000.00 or more . . . . . \$25.00 + \$1~~651~~.00 per  
\$1,000.00 above \$1,000.00

...  
**Sec. 6-51. Required.**

(a) A permit must be procured from the ~~electrical division~~  
~~of the~~ building authority before commencing work upon the  
installation of wires for the purpose of conducting electric  
current for power, heating, illuminating or signaling purposes,  
or for electrical appliances and apparatus in or upon public or  
private buildings, structures or premises, either new or  
existing.

(b) A permit must ~~be procured~~ also be procured from the  
~~division~~ before commencing work upon the alteration or the  
addition to, or both, of wires already installed and approved by  
the electrical inspector.

...  
**Sec. 6-68. Right of access and inspection.**

The electrical inspector shall have access at all  
reasonable times to all wiring devices, appliances and apparatus  
in or upon any public or private premises, which carry or are  
intended to carry an electrical light or power current, and no  
person shall arrange, fix or change any such wiring, devices,  
appliances, or apparatus without giving the building authority  
~~electrical division~~ reasonable notice and opportunity to inspect  
and approve such alterations or changes.

...  
**Sec. 6-115. Lead-based paint hazard.**

(a) This provision is intended to supplement the Lead  
Poisoning Control Act (22 M.R.S.A. Sections 1314 et seq.) and  
the regulations adopted pursuant thereto including, but not  
limited to, the Rules for Environmental Lead Inspections and the

Rules for Abatement of Environmental Lead Hazards.

(b) When either the city's health authority, as defined in section 2-17(h), or the city's director of ~~permitting and inspections~~planning and urban development, as defined in section 2-17(~~h~~) (10) of this Code as amended, determines that an environmental lead hazard exists in any dwelling or premises (as those terms are defined in Section 216.03-7 and Section 216.03-31 of the Rules for Abatement of Environmental Lead Hazards), he or she shall issue an order in writing to the owner (as defined in Section 216.03-28 of the Rules for Abatement of Environmental Lead Hazards), describing the environmental lead hazards and establishing a time within which such hazards shall be abated.

...

**Sec. 6-132. Licensed lodging.**

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

...

(g) *Termination of owner's interest.*

(1) Upon termination of an owner's interest in any building or structure providing licensed lodging, whether by sale, assignment, death, appointment of a receiver or otherwise, the owner shall advise the successor in title, the City of Portland and all occupants of licensed lodging who have qualified under subsection (f) above of the status of such occupants, which shall be binding upon the successor in title as though it were the owner when the status was achieved.

(2) Notice to the City of Portland shall be addressed to:

Housing Safety Office~~Chief of Inspection Services~~  
Portland City Hall

389 Congress Street  
Portland, ME 04101

...

5. That Section 10-3 is hereby amended to read as follows:

Sec. 10-3. Amendments.

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

(a) Section 3.3.32.8 shall be amended to read as follows:

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

(b) Section 3.3.97 shall be amended to include the following:

"In the case of structures posing significant life safety risks that may result in the displacement of person(s), a fire watch not to exceed seven days, with specifications and criteria to be set by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, the City Manager, Corporation Counsel, and the Director of Permitting and Inspections~~Planning & Urban Development~~."

...

(d) Section 3.3.114 shall be amended to include the following:

"In the case of structures posing significant life safety risks that may result in the displacement of person(s) a fire watch, not to exceed seven (7) days, with specifications and criteria to be set forth by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, the City Manager, Corporation Counsel, and the Director of Permitting and Inspections~~Planning & Urban Development~~."

...

6. That Sections 11-2, 11-10, 11-11, 11-12, 11-13 and 11-25 are hereby amended to read as follows:



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

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

...

**Sec. 11-10. Certified Food Protection Managers.**

- (a) A food service establishment must have at least one employee granted supervisory and management responsibility designated a Certified Food Protection Manager (CFPM) as defined in Section 1.201.10.B of Maine State Food Code 2013: Food Code adopted in Section 11-1, above. Proof of CFPM certification is required as follows:

...

- (b) Proof of compliance with the requirements of this section shall be provided to the City Food Inspector. Prior to the issuance of any license required by Chapter 15, the City Food Inspector must certify to the Department of Permitting and Inspections~~City Clerk's Office~~ that the requirements of this Section have been met. Failure to provide proof of compliance with the requirements of this Section will be subject to a denial, suspension or revocation of a license in accordance with the provisions of Chapter 15. In addition to license suspension or revocation, violations of subsection 11-10(a)(3)& (4), above, shall result in a penalty to the violator of \$150.00.

...

**Sec. 11-11. Ice cream trucks.**

All ice cream trucks shall comply with the following:

- (a) *General regulations.* All ice cream trucks shall comply with all requirements of section 11-35, including the requirements for a base station, and all other requirements of this article except those relating to toilet facilities, in addition to the requirements set forth in this section.

...

- (g) *License, insurance required.* Each ice cream truck shall be required to be separately licensed under this article and to provide to the Department of Permitting and Inspections~~City Clerk~~ evidence of public liability insurance in an amount of not less than four hundred thousand dollars (\$400,000.00) as amended, with the city named as an additional insured on the policy.

...

**Sec. 11-12. Stationary food vending unit.**

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

- (a) Only nonalcoholic beverages and prepackaged foods shall be sold from a stationary food vending unit, and there shall be no cooking in or near the unit.
- (b) An applicant for a stationary food vending unit license shall provide the—Department of Permitting and Inspections~~City Clerk~~, in addition to any other information required by chapter 15, with acceptable proof of ownership or control of the property upon which the unit will be located. Such proof shall consist of a deed, lease or other written agreement.

...

**Sec. 11-13. Community kitchens.**

- (a) A community kitchen shall mean a kitchen, licensed pursuant to this chapter, that is utilized by two or more entities at differing times for preparation of food to serve to the public off-site.

...

- (d) License required: Each entity utilizing a community kitchen shall procure a community kitchen license from the—Department of Permitting and Inspections~~City Clerk's office~~.

...

**Sec. 11-25. Suspensions and revocations.**

Licenses shall be suspended or revoked pursuant to chapter 15, except that a license which has been suspended may be reinstated by the Department of Permitting and Inspection~~clerk~~ upon application, in writing, from the holder if the health inspector certifies to the Department of Permitting and

Inspection~~er~~\* that he or she has reinspected the premises and the condition for which the suspension was imposed has been corrected.

7. That Sections 12-109 and 12-202 are hereby amended to read as follows:

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

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

...

**Sec. 12-202. Conditions precedent to issuance.**

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

8. That Sections 14-145.5, 14-145.11, 14-145-17, 14-226, 14-299, 14-449, 14-450.5, 14-486 and 14-522 are hereby amended to read as follows:

**Sec. 14-145.5. Dimensional requirements.**

In addition to the provisions of division 25 (space and

bulk regulations and exceptions) of this article, lots in the IR-1 zone shall meet the following minimum requirements:

(a) *Minimum lot size*

1. Residential: Forty thousand (40,000) square feet for lots with public water; sixty thousand (60,000) square feet for lots without public water; except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.3(a)1 of this article.

...

7. Excluding Peaks Island from this subsection h., any property owner whose lot does not meet the minimum lot size requirements outlined in subsection g. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The ~~building~~Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the ~~building~~Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

**Sec. 14-145.11. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in an IR-2 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Twenty thousand (20,000) square feet, except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.9(a)1 of this article.

...

6. [Excluding Peaks Island from this subsection 7.,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection f. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The ~~building authority~~Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the ~~building authority~~Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

**Sec. 14-145.17. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the IR-3 zone shall meet the following minimum requirements:

- (a) *Minimum lot size:*

1. Residential: Forty-two thousand five hundred (42,500) square feet per dwelling unit, except that the minimum lot size per dwelling unit shall be reduced by the amounts specified below, to a minimum lot size of thirty-five thousand (35,000)

square feet per dwelling unit, provided that the Planning Board finds that the development meets the following criteria:

...

9. [Excluding Peaks Island from this subsection i.,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection h. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The ~~building authority~~Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the ~~building authority~~Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

**Sec. 14-226. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulation and exceptions) of this article, lots in the I-B zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Lot size shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where lot size shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the

nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone.

...

12. [Excluding Peaks Island from this subsection 12,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection 11 of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The ~~building authority~~Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the ~~building authority~~Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

**Sec. 14-299. Performance standards.**

All uses in the B-7 mixed development district zone shall comply with the following standards. Standards 14-299(a), (f), (j), (m), (n) and (o) below shall be reviewed by the Planning Authority.

- (a) *Storage:* Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least six feet in height. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. All

food processing waste shall be stored within a completely enclosed structure and if not refrigerated shall be removed from the site in an enclosed container within forty-eight (48) hours of its generation. All enclosed and exterior areas shall be cleaned and sanitized on a regular basis. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area. All dumpsters shall be screened on all four (4) sides by a minimum six (6) foot high solid fence or shall otherwise be fully enclosed as approved by the planning board or the planning and urban development department.

...

**Sec. 14-449. Land use standards.**

All land uses and land use activities subject to this division shall conform to the following standards and regulations, as applicable:

(a) *Principal and accessory structures:*

...

(g) *Archaeological sites:* Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the department of planning and urban development, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the ~~building authority~~ Planning Authority. The ~~building authority~~Planning Authority shall consider comments received from the commission prior to rendering a decision on the application. Such sites shall also comply with all applicable provisions of article IX of this chapter.

...

(n) *Agriculture:*

1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §§ 4201-4209).



...

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a conservation plan to be filed with the ~~building authority~~Planning Authority.

...

5. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies and coastal wetlands or within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided such grazing is conducted in accordance with a soil and water conservation plan filed with the ~~building authority~~Planning Authority.

...

#### **Sec. 14-450.5. Definitions.**

For the purpose of this division, the following terms and words shall have the meanings given herein:

*Area of special flood hazard:* The land in the flood plain having a one (1) percent or greater chance of flooding in any given year as specifically identified in the Flood Insurance Study cited in section 14-450.3.

*Base flood:* The flood having a one (1) percent chance of being hereof or exceeded in any given year (i.e., a one-hundred-year storm).

~~*Building authority*~~*Building Authority:* The Department of Permitting and Inspections~~.division of inspection services within the department of planning and urban development.~~

...

#### **Sec. 14-486. Reduction of fees.**

Notwithstanding any other provision of this chapter or chapter 6 to the contrary, development fees shall be reduced by the city for an eligible project in the manner described in the

following table:

...

The planning ~~division~~ and urban development department shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The planning and urban development department ~~division~~ may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review.

...

#### **Sec. 14-522. Definitions.**

For the purposes of this article all terms and words shall have their ordinary meanings, except as defined herein.

*Approval* by any board or department under this article shall include any approval with conditions.

*Building addition:* Any attached structure which increases the total floor area of the structure.

~~*Building Authority*~~ *Building Authority:* The Director of the Department of Permitting and Inspections or his or her designee. ~~*Planning and Urban Development or his/her designee.*~~

...

9. That Sections 15-1 to 15-11, 15-12.1, 15-13 and 15-14 are hereby amended to read as follows:

#### **Sec. 15-1. Definitions.**

Words used in this chapter shall have their common meanings except that, as used in this chapter or in chapters related to this chapter, the following terms shall have the meanings set forth in this section, unless the particular licensing provision, or the context in which the term appears, clearly establishes that a different meaning was intended:

...

*Person aggrieved* shall mean and include any person whose license is suspended or revoked or whose license application is denied by ~~the clerk or any other~~ administrative official charged

with responsibility for the granting or supervision of any license.

...

**Sec. 15-2. Applicability.**

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

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

...

**Sec. 15-3. License required.**

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

(b) A license may be issued pending receipt of the criminal history report from the State Bureau of Identification for pawnbrokers, junk dealers, secondhand dealers and flea markets as defined in Section 23-16, provided that the

Department of Permitting and Inspections~~City Clerk~~ has received all other documentation required for the issuance of such license and a copy of the applicant's criminal history record from the Portland Police Department, which criminal history record does not contain a disqualifying criminal conviction. If, after issuance of the license, the Department of Permitting and Inspections~~City Clerk~~ receives a criminal history report from the State Bureau of Identification that contains disqualifying information, the Department of Permitting and Inspections~~City Clerk~~ shall immediately move to suspend or revoke the license pursuant to Chapter 15 Section 15-8(a)(6) of the City Code.

...

#### **Sec. 15-4. Licensing authority.**

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

#### **Sec. 15-5. Applications.**

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

(b) Other papers:

- (1) Any application for a license for which a criminal conviction is a disqualification under this Code shall be accompanied by a written waiver of the applicant's right to privacy or confidentiality under the State Criminal History Records Act [16 M.R.S.A. § 611 et seq.] and otherwise to the extent necessary for the Department of Permitting and Inspection~~city clerk~~, acting through the chief of police, to determine

whether or not such disqualification exists.

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

...

#### **Sec. 15-6. Fees.**

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

(b) *Appeals fee.* Appeals from determinations of the Department of Permitting and Inspection~~er~~ shall be accompanied by a filing fee of twenty-five dollars (\$25.00) and the appellant shall also pay the full cost of publication and postage in advance, if such notice is required. For the purposes of this subsection, notice by publication shall be deemed to apply to the hearing on appeal whenever the requirement of publication would exist in the first instance.

(c) *Filing fees.* Whenever any document, other than an application for any license, is required or permitted to be filed with the Department of Permitting and Inspection~~er~~ in connection with any license, and no fee for such filing is otherwise prescribed, the fee for filing such document shall be two dollars (\$2.00) for the first page, and one dollar (\$1.00) for each page thereafter.

...

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

#### **Sec. 15-7. Investigation of applicant.**

(a) Upon receipt of an application for any license or permit, other than a renewal application substantially identical to the original application, the Department of Permitting and Inspection~~er~~ shall inquire of other city departments, as appropriate, for comments as to whether a license may be granted consistently with the provisions of the laws and ordinances enforced by such departments. In all appropriate cases, the building authority shall verify that the premises to be used for the proposed activity comply with the building code, electrical code, plumbing code and zoning ordinance, and if applicable, state junkyard screening law; the health authority shall cause inspections to be made of the proposed location of any premises dispensing food or liquor; the fire chief shall cause inspection to be made for the purpose of determining if city ordinances, a state law, or state regulations concerning fire and safety have been complied with; and if the license is not issuable to any class of persons, the police chief shall cause an investigation to be made of the principal officers or persons to be licensed.

All such persons shall report to the Department of Permitting and Inspection~~se~~lerk in writing, and copies of any such report shall be deemed a public record.

...

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

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

...

(b) *Hearings.*

(1) Except as expressly provided in this Code, no license to which this chapter applies may be revoked or suspended without prior notice to the licensee, and after a hearing.

...

(3) Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a license can be scheduled and a finding of probable cause for such suspension or revocation, the Department of Permitting and Inspection~~se~~ity~~er~~k may suspend a license, pending hearing, effective upon the giving of actual notice to the licensee; provided that the Department of Permitting and Inspection~~se~~lerk shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint and to present evidence. The complainant shall also be notified of the hearing and given the opportunity to be heard.

...

(c) *Abandoned licenses.* The applicant shall pay the issuance fee and obtain any license from the Department of Permitting and Inspection~~se~~lerk within thirty (30) days after it has been approved by the Department of Permitting and Inspection~~se~~ity~~er~~k. Upon failure to pay the issuance fee and obtain the license within said thirty-day period, the approval shall be void and the application deemed abandoned. For good cause shown, the Department of Permitting and Inspection~~se~~lerk

may extend the thirty-day period provided such extension does not result in the issuance of the license being delayed more than one hundred eighty (180) days from its approval by the Department of Permitting and Inspection~~city clerk~~.

...

#### **Sec. 15-9. Appeals.**

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

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

...

#### **Sec. 15-10. Notices of hearing.**

(a) *Content.* Whenever a public hearing is required, the



Department of Permitting and Inspection~~er~~\* shall give notice of the time and place of the hearing, the type of license involved, and the nature of the hearing, and the address or location of the property involved.

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

...

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

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

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

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

...

#### **Sec. 15-12.1. Waiver of fees.**

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

#### **Sec. 15-13. Supplementation of applications.**

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

**Sec. 15-14. Violations.**

In addition to any action which may be taken by the Department of Permitting and Inspection~~clerk~~ or the city council with respect to the suspension or revocation of a license, violation of this chapter, or of any licensing provisions of the city governed by this chapter, or of any rule made pursuant thereto shall be a civil violation subject to the penalties of section 1-15.

10. That Sections 16-10 and 16-13 to 16-15 are hereby amended to read as follows:

**Sec. 16-10. List of employees.**

The therapeutic massage establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the chief of police, his or her authorized deputy, the Department of Permitting and Inspection~~city clerk or her representative~~ upon request.

...

**Sec. 16-13. Standards for denial.**

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

...

The Department of Permitting and Inspection~~clerk~~ shall make and keep a written record of every decision to deny an application for any license hereunder.

...

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

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

- (1) Failed to notify the Department of Permitting and Inspections~~clerk~~ of any change in material fact set forth in the application for such license; or

...

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

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

...

11. That Sections 19-17 to 19-19 are hereby amended to read as follows:

**Sec. 19-17. License required.**

(a) All street vendors conducting business on any street, way or public place must have a license issued by the Department of Permitting and Inspections~~City Clerk~~ as provided in this Article.

...

(c) A street goods vendor or a street artist shall only be permitted on a street, way or public place during festivals or special events declared by the City Council pursuant to Section 19-22, with the approval of the sponsoring business or organization or the Parks and Recreation Department. All street goods vendors shall be required to obtain a license issued by the Department of Permitting and Inspections~~City Clerk~~ and pay the fee prescribed by Section 25-27(e) of this Code.

...

**Sec. 19-18. Application.**

(a) In addition to the information required by section 15-5, each application for a street vendor's or street goods vendor's license shall include a specific description of the business, the goods or services to be sold, and the equipment, if any, to be used, including a reasonable estimate of the value thereof.

(b) No street vendor's license shall be issued without the applicant first filing with the Department of Permitting and Inspection~~er~~ a certificate, in a form satisfactory to the corporation counsel, evidencing public liability insurance coverage in an amount not less than the maximum liability under applicable law and naming the city as an additional insured. The certificate shall also provide for notice to the Department of Permitting and Inspection~~er~~ not less than thirty (30) days prior to any cancellation of insurance, which insurance the licensee shall maintain at all times while engaged in street vending.

**Sec. 19-19. Special conditions of operation.**

(a) Area of operation: A licensed street vendor may operate:

(1) In any zone of the city where such use is\* a permitted or conditional use as defined in chapter 14 of the City Code;

(2) At Hadlock Field subject to the following conditions:

On the north side of Park Avenue between High Street and I-295, except when there is a game or event at Hadlock Field in which case food trucks are limited to Park Avenue along Deering Oaks Park until two (2) hours before a game or event and starting again two (2) hours after the game or event.

Within the vicinity of Hadlock Field, as defined by separate council order, four (4) pushcart licensed street vendors may operate upon the following terms:

a. One (1) at each of the four (4) sites to be designated by the Department of Permitting and Inspection~~city~~~~er~~, said sites to be located approximately as follows:

i. Deering Avenue sidewalk at the entrance to Fitzpatrick Stadium parking lot, or at the vendor's choice, at a site in said parking lot which is approved by the Department of Permitting and Inspection~~city~~~~er~~;

...

d. Any approved street vendor shall comply with all of the applicable provisions of this Code, including without limitation the provision of this subsection, and of city rules promulgated for such street vendors by the Department of Permitting and Inspection~~city clerk~~; and

e. The Department of Permitting and Inspection~~city clerk~~ is hereby authorized to promulgate rules consistent with this Code for the form of the Hadlock Field street vendor license and application; advertisement and conduct of the lottery and approved street vending operations, including without limitation, selection of replacement vendors if needed; vendor sales practices; vendor litter control; and cleanup both during and after close of sales. Said rules shall be subject to the approval of the city manager and shall be posted in the Department of Permitting and Inspection~~city clerk's office~~.

(b) *Conduct of operations:*

(1) Every licensed street vendor shall wear a numbered badge issued by the Department of Permitting and Inspection~~clerk~~.

...

12. That Sections 23-27 and 23-29 are hereby amended to read as follows:

**Sec. 23-27. Application.**

Application for a license required by this chapter shall be made to the Department of Permitting and Inspection~~city clerk~~, with payment of the fees and in accordance with the procedures set forth in chapter 15.

...

**Sec. 23-29. Flea markets.**

Any person who provides tables, space, or otherwise operates a flea market shall obtain a license from the

Department of Permitting and Inspection~~city clerk~~.

...

An operator or seller who is determined by the Department of Permitting and Inspection~~city clerk~~ to have violated any provision of this section may have their license revoked and not renewed for a period not to exceed one (1) year. Any person so charged shall be afforded notice and an opportunity to be heard prior to the revocation of the license.

13. That Sections 28-112, 28-136, 28-137, 28-138, 28-141, 28-270 to 28-273, 28-275, 28-276, 28-280 to 28-283 are hereby amended to read as follows:

**Sec. 28-112. Permit to use.**

Any person seeking the privilege of using any taxicab stand shall make application in writing to the Chapter 30 Licensing Authority~~city clerk~~, and the Chapter 30 Licensing Authority~~city clerk~~ shall grant such permits as it approves.

...

**Sec. 28-136. Required.**

(a) No towing or wrecking service shall tow any vehicle within the city without the express knowledge or consent of the vehicle owner or his or her authorized representative, unless such towing or wrecking service is currently licensed.

(b) All licenses issued pursuant to this division shall be granted, denied, suspended or revoked by the Department of Permitting and Inspection~~city clerk~~.

(c) Licensees may request that they be placed on the towing list, which shall subject them to additional regulations promulgated by the chief of police pursuant to section 28-124.

...

**Sec. 28-137. Investigation; issuance or denial.**

(a) Within thirty (30) days after receipt of an application under this division, the Department of Permitting and Inspection~~city clerk~~, in conjunction with the chief of police, shall conduct an investigation to determine: The truth, accuracy and adequacy of the information contained in the application; the ability of the applicant to furnish the

required service and to abide by the regulations and provisions set forth herein or established pursuant to section 28-124; the applicant's past record of performance in wrecker or towing business and the adequacy of the applicant's equipment and storage facilities. Upon completion of the investigation, the Department of Permitting and Inspection~~er~~ shall either grant or deny the license and notify the applicant in writing of such decision and the findings and reasons, if any, for denial of the license. Upon issuance of the license, the Department of Permitting and Inspection~~er~~ shall forward to the licensee a copy of this article and any regulations adopted pursuant thereto.

(b) The following must be submitted prior to commencement of the investigation:

...

(6) Such other information as the Department of Permitting and Inspection~~er~~ may require on the license application.

...

**Sec. 28-138. Insurance required.**

(a) No wrecker shall be issued a license until the applicant has deposited with the Department of Permitting and Inspection~~er~~ a certified copy of the following policies:

...

**Sec. 28-141. Grounds for revocation, suspension or denial.**

In addition to the grounds for revocation, suspension or denial found in chapter 15, a license issued under this division may be suspended or revoked or denied by the Department of Permitting and Inspection~~er~~ upon a determination that the licensee, or applicant, or wrecker operator:

...

**Sec. 28-270. Purpose; permit and license required.**

(a) The purpose of this article is to:

...

(b) No person, establishment or entity shall conduct valet parking service within the City of Portland without first



obtaining a permit from the Department of Permitting and Inspections ~~city clerk's~~ office and paying the fee therefor.

...

Sec. 28-271. Definitions.

Terms used in this article shall have their common meanings except that, the definitions used in this Article or in chapters or articles related to this Article shall have the following meanings:

...

*Valet parking permit* means the permit issued by the Department of Permitting and Inspection ~~city clerk's~~ office to the valet permit operator allowing it to conduct a valet parking operation in an approved valet parking zone.

...

Sec. 28-272. Applications.

Applications under this division except for a one-day special event permit, shall be filed thirty (30) days in advance of issuance of a permit in the Department of Permitting and Inspections ~~clerk's~~ office. Such application shall include the following information:

- (1) Name and address of the proposed permittee/operator. If incorporated, permittee/operator must provide copies of their articles of incorporation and bylaws.

...

- (5) An appropriate form of statement over the signature of each person signing the application, giving all persons and governmental agencies having information relevant to the above items permission to release the same to the Department of Permitting and Inspections ~~clerk's office~~.

...

- (9) Applications shall be forwarded by the Department of Permitting and Inspection ~~clerk's office~~ to all city departments which may be affected by the granting of the permit, including but not limited to, public works, planning, police and parking.

...

Sec. 28-273. Fees; exceptions.

(a) *Issuance fees.* Applications for yearly valet permits shall be accompanied by an annual nonrefundable fee of two hundred and sixty dollars (\$260.00) per location. Each location shall only include two (2) parking spaces approved by the Transportation Systems Engineer, whose decision shall be final.

(b) *Special event fee.* Application for a special event permit shall be accompanied by a nonrefundable fee of sixty dollars (\$60.00) provided that the Department of Permitting and Inspection~~clerk's office~~ has received ten (10) days' notice prior to such event.

...

**Sec. 28-275. Required.**

(a) *Driver's license.* No person shall valet park a vehicle within the city unless such valet driver is currently licensed to operate a vehicle.

...

(c) *Insurance.* The applicant must file with the Department of Permitting and Inspection~~clerk's~~ office a copy of the applicant's insurance certificate evidencing public liability insurance coverage and automobile insurance coverage in amounts not less than Four Hundred Thousand Dollars (\$400,000) combined single limit, or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time, covering claims for bodily injury, death and property damage, and naming the City as an additional insured, and also provide worker's **compensation insurance coverage as required by law.**

**Sec. 28-276. Standards and criteria for application review.**

The standards and criteria used in reviewing the application required in section 28-273 shall be in accordance with the Valet Parking Rules and Regulations on file with the Department of Permitting and Inspection~~clerk's office~~.

...

**Sec. 28-280. Denial, revocation, or suspension of permit; removal of equipment or personal property of the permittee/operator and storage fees.**

(a) The Department of Permitting and Inspection~~Clerk's Office~~ may deny, revoke, or suspend a permit for any valet parking service authorized in the City if it is found that:

...

**Sec. 28-281. Appeals of permit denial or revocation.**

(a) *Procedure.* An appeal to the City Manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the Department of Permitting and Inspections ~~clerk's office~~ by filing a notice of appeal within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. The City Manager or his or her designee shall hear the appeal and may affirm, reverse or modify the decision appealed from.

...

**Sec. 28-283 Special Events.**

Valet services operating for a special event may apply for a permit at the Department of Permitting and Inspections ~~clerk's office~~ as long as it does not reduce the number of parking spaces needed to serve the general public in the area of the request.

Special events shall be restricted to any event occurring no more than twice per year. The hours for parking of vehicles shall be approved by the City. A special event application shall be filed with the Department of Permitting and Inspections ~~Clerk's Office~~ at least ten (10) days prior to the scheduled event.

**BE IT FURTHER ORDAINED** that these amendments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter.